

1           HB261  
2           129217-3  
3           By Representatives Hurst and Johnson (R)  
4           RFD: Judiciary  
5           First Read: 22-MAR-11

ENGROSSED

A BILL

TO BE ENTITLED

## AN ACT

To amend Section 13A-5-6, Code of Alabama 1975; to provide that certain defendants convicted of certain sex offenses would be sentenced to life imprisonment without the possibility of parole; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 13A-5-6, Code of Alabama 1975, is amended to read as follows:

"§13A-5-6.

"(a) Sentences for felonies shall be for a definite term of imprisonment, which imprisonment includes hard labor, within the following limitations:

"(1) For a Class A felony, for life or not more than 99 years or less than 10 years.

"(2) For a Class B felony, not more than 20 years or less than 2 years.

1                             "(3) For a Class C felony, not more than 10 years or  
2 less than 1 year and 1 day.

3                             "(4) For a Class A felony in which a firearm or  
4 deadly weapon was used or attempted to be used in the  
5 commission of the felony, or a Class A felony criminal sex  
6 offense involving a child as defined in Section 15-20-21(5),  
7 not less than 20 years.

8                             "(5) For a Class B or C felony in which a firearm or  
9 deadly weapon was used or attempted to be used in the  
10 commission of the felony, or a Class B felony criminal sex  
11 offense involving a child as defined in Section 15-20-21(5),  
12 not less than 10 years.

13                             "(b) The actual time of release within the  
14 limitations established by subsection (a) of this section  
15 shall be determined under procedures established elsewhere by  
16 law.

17                             "(c) In addition to any penalties heretofore or  
18 hereafter provided by law, in all cases where an offender is  
19 designated as a sexually violent predator pursuant to Section  
20 15-20-25.3, or where an offender is convicted of a Class A  
21 felony criminal sex offense involving a child as defined in  
22 Section 15-20-21(5), and is sentenced to a county jail or the  
23 Alabama Department of Corrections, the sentencing judge shall  
24 impose an additional penalty of not less than 10 years of  
25 post-release supervision to be served upon the defendant's  
26 release from incarceration.

1                             "(d) In addition to any penalties heretofore or  
2 hereafter provided by law, in all cases where an offender is  
3 convicted of a sex offense pursuant to Section 13A-6-61,  
4 13A-6-63, or 13A-6-65.1, when the defendant was 21 years of  
5 age or older and the victim was six years of age or less at  
6 the time the offense was committed, the defendant shall be  
7 sentenced to life imprisonment without the possibility of  
8 parole."

9                             Section 2. Although this bill would have as its  
10 purpose or effect the requirement of a new or increased  
11 expenditure of local funds, the bill is excluded from further  
12 requirements and application under Amendment 621, now  
13 appearing as Section 111.05 of the Official Recompilation of  
14 the Constitution of Alabama of 1901, as amended, because the  
15 bill defines a new crime or amends the definition of an  
16 existing crime.

17                             Section 3. This act shall become effective on the  
18 first day of the third month following its passage and  
19 approval by the Governor, or its otherwise becoming law.

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House of Representatives

4 Read for the first time and re-  
5 ferred to the House of Representa-  
6 tives committee on Judiciary ..... . . . . . 22-MAR-11

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8 Read for the second time and placed  
9 on the calendar with 1 substitute  
10 and..... . . . . . 14-APR-11

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12 Read for the third time and passed  
13 as amended..... . . . . . 21-APR-11

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Yea 87, Nays 0, Abstains 2

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Greg Pappas  
Clerk