

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

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2 ENROLLED, An Act,

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

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

15 "§13A-5-6.

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

19 "(1) For a Class A felony, for life or not more than
20 99 years or less than 10 years.

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

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

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

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

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

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

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 21-APR-11, as amended.

Greg Pappas
Clerk

Senate

02-JUN-11

Passed