

**HB125 INTRODUCED**



1 HB125

2 1JHXZLL-1

3 By Representatives Hulsey, Lamb, Shirey, DuBose, Rigsby,  
4 Lomax, Hammett, Bolton, Gidley, Butler, Underwood

5 RFD: Judiciary

6 First Read: 06-Feb-24



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## 4 SYNOPSIS:

5                   This bill would provide that it is unlawful for  
6                   a minister, priest, rabbi, bishop, or other recognized  
7                   member of the clergy in a position of trust or  
8                   authority over a person to commit certain sex acts with  
9                   an individual under 19 years of age, or a protected  
10                  person under 22 years of age.

11                  This bill would also provide for penalties.

12                  Section 111.05 of the Constitution of Alabama of  
13                  2022, prohibits a general law whose purpose or effect  
14                  would be to require a new or increased expenditure of  
15                  local funds from becoming effective with regard to a  
16                  local governmental entity without enactment by a 2/3  
17                  vote unless: it comes within one of a number of  
18                  specified exceptions; it is approved by the affected  
19                  entity; or the Legislature appropriates funds, or  
20                  provides a local source of revenue, to the entity for  
21                  the purpose.

22                  The purpose or effect of this bill would be to  
23                  require a new or increased expenditure of local funds  
24                  within the meaning of the section. However, the bill  
25                  does not require approval of a local governmental  
26                  entity or enactment by a 2/3 vote to become effective  
27                  because it comes within one of the specified exceptions  
28                  contained in the section.



## **HB125 INTRODUCED**

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A BILL

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TO BE ENTITLED

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## AN ACT

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35 Relating to crimes and offenses; to add Article 4B of  
36 Chapter 6 of Title 13A, commencing with Section 13A-6-85, to  
37 the Code of Alabama 1975, to provide that it is unlawful for a  
38 member of the clergy to commit certain sex acts with an  
39 individual under 19 years of age, or a protected person under  
40 22 years of age, under certain circumstances; to provide for  
41 penalties; and in connection therewith would have as its  
42 purpose or effect the requirement of a new or increased  
43 expenditure of local funds within the meaning of Section  
44 111.05 of the Constitution of Alabama of 2022.

45 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

46                   Section 1. Article 4B of Chapter 6 of Title 13A,  
47   commencing with Section 13A-6-85, is added to the Code of  
48   Alabama 1975, to read as follows:

49 §13A-6-85

50 For the purposes of this article the following terms  
51 have the following meanings:

52 (1) CHILD. A person under 19 years of age or a  
53 protected person under 22 years of age, as defined in Section  
54 15-25-1.

55 (2) CLERGY MEMBER. Any of the following in a position  
56 of trust or authority over a child: Minister, priest, rabbi,

**HB125 INTRODUCED**



57      bishop, or other recognized member of the clergy, or any staff  
58      member of volunteer.

59              §13A-6-86

60              (a) It shall be unlawful for a clergy member to engage  
61      in sexual intercourse or sodomy, as defined in Section  
62      13A-6-60, with a child. Consent is not a defense to a charge  
63      under this section.

64              (b) A violation of subsection (a) is a Class B felony.

65              §13A-6-87

66              (a) (1) It shall be unlawful for a clergy member to  
67      engage in sexual contact, as defined in Section 13A-6-60, with  
68      a child. Consent is not a defense to a charge under this  
69      section.

70              (2) A violation of subsection (a) is a Class C felony.

71              (b) (1) It shall be unlawful for a clergy member to  
72      solicit, persuade, encourage, harass, or entice a child to  
73      engage in a sex act including, but not limited to, sexual  
74      intercourse, sodomy, or sexual contact, as defined in Section  
75      13A-6-60. Consent is not a defense to a charge under this  
76      section.

77              (2) A violation of subsection (b) is a Class C felony.

78              §13A-6-88

79              (a) It shall be unlawful for a clergy member to do  
80      either of the following:

81              (1) Distribute or transmit, by any means, obscene  
82      matter that depicts sexual intercourse, sexual excitement,  
83      masturbation, breast nudity, genital nudity, or other sexual  
84      conduct to a child.



## **HB125 INTRODUCED**

85 (2) Solicit a child to transmit, by any means, obscene  
86 matter that depicts sexual intercourse, sexual excitement,  
87 masturbation, breast nudity, genital nudity, or other sexual  
88 conduct to any person.

89 (b) A violation of subsection (a) is Class C felony.

90                   Section 2. Although this bill would have as its purpose  
91                   or effect the requirement of a new or increased expenditure of  
92                   local funds, the bill is excluded from further requirements  
93                   and application under Section 111.05 of the Constitution of  
94                   Alabama of 2022, because the bill defines a new crime or  
95                   amends the definition of an existing crime.

96 Section 3. This act shall become effective immediately.