HB125

7PPYEEE-2

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

RFD: Judiciary

First Read: 06-Feb-24

A BILL

TO BE ENTITLED

AN ACT

Relating to crimes and offenses; to add Article 4B of Chapter 6 of Title 13A, commencing with Section 13A-6-85, to the Code of Alabama 1975, to provide that it is unlawful for a member of the clergy to commit certain sex acts with an individual under 19 years of age, or a protected person under 22 years of age, under certain circumstances; to provide for penalties; 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 Section 111.05 of the Constitution of Alabama of 2022.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

§13A-6-85

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

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

(2) CLERGY MEMBER. Any of the following in a position

of trust or authority over the child: A duly ordained, licensed, or commissioned minister, pastor, priest, rabbi, or practitioner of any bona fide established church or religious organization or any person who regularly, as a vocation, devotes a substantial portion of his or her time and abilities to the service of his or her church or religious organization.

§13A-6-86

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

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

§13A-6-87

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

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

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

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

§13A-6-88

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

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

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

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

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

Section 3. This act shall become effective immediately.

House of Representatives

Read for the first time and referred 06-Feb-24
to the House of Representatives
committee on Judiciary

Read for the second time and placed 14-Feb-24
on the calendar:
1 amendment

Read for the third time and passed 20-Feb-24
as amended
Yeas 85
Nays 1
Abstains 12

John Treadwell
Clerk