

**SB203 INTRODUCED**



1 SB203

2 ZQPI8KW-1

3 By Senators Figures, Chambliss, Hatcher, Coleman, Singleton,  
4 Stewart, Bell, Kelley, Chesteen, Price, Williams, Weaver,  
5 Elliott, Hovey, Waggoner, Kitchens, Carnley, Givhan, Melson,  
6 Sessions, Jones, Smitherman, Woods, Beasley, Livingston,  
7 Butler, Gudger, Stutts, Allen, Roberts, Albritton

8 RFD: Judiciary

9 First Read: 21-Jan-26



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4     SYNOPSIS:

5             Under existing law, a person commits the crime  
6     of indecent exposure if, with a sexual motivation, the  
7     person exposes himself or herself to another in an  
8     unwanted manner. The offense is a Class A misdemeanor,  
9     but is increased to a Class C felony on a third  
10    conviction.

11            This bill would provide that if the victim of  
12    indecent exposure is under 12 years of age, the penalty  
13    is a Class C felony.

14            Under existing law, directing a child under 12  
15    years of age to engage in sexual intercourse or sodomy  
16    is a Class A felony, and directing a child under 12  
17    years of age to engage in sexual contact with another  
18    is a Class B felony.

19            This bill would amend each of these crimes to  
20    increase the age threshold for child victims.

21            Under existing law, transmitting obscene  
22    material to a child by computer is a Class B felony.

23            This bill would provide that the crime of  
24    transmitting obscene material to a child may be  
25    committed using a cellular device or any other  
26    electronic means. This bill would also provide that the  
27    crime is committed if the defendant believed he or she  
28    was transmitting the prohibited material to a child and

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29 that it is not a defense to prosecution that an  
30 undercover operative or law enforcement officer was  
31 posing as a child or involved in the detection and  
32 investigation of an offense.

33 Under existing law, it is unlawful to travel to  
34 meet a child for an unlawful sex act with the child.

35 This bill would provide that the crime is  
36 committed if the defendant travels to commit an  
37 unlawful sex act with a person he or she believes to be  
38 a child.

39 This bill would delete an affirmative defense to  
40 the crime of kidnapping in the first degree.

41 This bill would further define the term "sex  
42 offense" to include voyeurism.

43 This bill would establish the crime of inpatient  
44 custodial sexual misconduct, committed when an employee  
45 of an inpatient or residential drug rehabilitation or  
46 mental health facility solicits or engages in any  
47 sexual conduct with a patient of the facility. This  
48 bill would provide that consent is not a defense to the  
49 crime. This bill would also establish criminal  
50 penalties for a violation.

51 This bill would also make various conforming  
52 revisions and nonsubstantive technical changes to  
53 update code language to current style.

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85           Section 1. Sections 13A-6-43, 13A-6-44, 13A-6-68,  
86 13A-6-111, 13A-6-124, and 13A-6-243, Code of Alabama 1975, are  
87 amended to read as follows:

88           "§13A-6-43

89           (a) A person commits the crime of kidnapping in the  
90 first degree if he or she abducts another person with intent  
91 to do any of the following:

92           (1) Hold him or her for ransom or reward; ~~or~~.

93           (2) Use him or her as a shield or hostage; ~~or~~.

94           (3) Accomplish or aid the commission of any felony or  
95 flight therefrom; ~~or~~.

96           (4) Inflict physical injury upon him or her, or to  
97 violate or abuse him or her sexually; ~~or~~.

98           (5) Terrorize him or her or a third person; ~~or~~.

99           (6) Interfere with the performance of any governmental  
100 or political function.

101           (b) ~~A person does not commit the crime of kidnapping in  
102 the first degree if he voluntarily releases the victim alive,  
103 and not suffering from serious physical injury, in a safe  
104 place prior to apprehension. The burden of injecting the issue  
105 of voluntary safe release is on the defendant, but this does  
106 not shift the burden of proof. This subsection does not apply  
107 to a prosecution for or preclude a conviction of kidnapping in  
108 the second degree or any other crime.~~

109           (c) Kidnapping in the first degree is a Class A  
110 felony."

111           "§13A-6-44

112           (a) A person commits the crime of kidnapping in the

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113 second degree if he or she abducts another person using, or  
114 with the intent to use, deception, physical force, or deadly  
115 physical force.

116 ~~(b) A person does not commit a crime under this section~~  
117 ~~if:~~

118 ~~(1) The abduction is not coupled with intent to use or~~  
119 ~~to threaten to use deadly force,~~

120 ~~(2) The actor is a relative of the person abducted, and~~  
121 ~~(3) The~~ (b) (1) It is an affirmative defense to a

122 violation of this section if the actor's sole purpose is to  
123 assume lawful control of that person.

124 (2) The burden of injecting the issue of defense under  
125 this subsection is on the defendant, but this does not shift  
126 the burden of proof.

127 (c) Kidnapping in the second degree is a Class B  
128 felony."

129 "§13A-6-68

130 (a) A person commits the crime of indecent exposure if,  
131 with intent to arouse or gratify sexual desire of himself or  
132 herself, ~~or of any person other than his or her spouse,~~ he or  
133 she exposes his or her genitals under circumstances in which  
134 he or she knows the conduct is likely to cause affront or  
135 alarm.

136 (b) (1) Indecent exposure is a Class A misdemeanor  
137 ~~except a third or subsequent conviction shall be.~~

138 (2) Notwithstanding subdivision (1), indecent exposure  
139 is a Class C felony under either of the following  
140 circumstances:



141           a. If any victim of the offense is under 12 years of  
142           age.

143           b. If the person has two or more prior convictions  
144           under this article."

145           "§13A-6-111

146           (a) A person is guilty of transmitting obscene material  
147           to a child if the person transmits to a child, or another  
148           person believed by the defendant to be a child, by means of  
149           any cellular device, online application, computer  
150           communication system allowing the input, output, examination,  
151           or transfer of computer programs from one computer to another,  
152           or any other electronic means, material which, in whole or in  
153           part, depicts actual or simulated nudity, sexual conduct, or  
154           sadomasochistic abuse, for the purpose of initiating or  
155           engaging in ~~sexual acts~~sexual conduct pursuant to Section  
156           13A-12-200.1, sexual performance, or a sex offense pursuant to  
157           Section 15-20A-5 with the child.

158           (b) For the purposes of this section, a "child"  
159           includes any person under 17 years of age.

160           (c) For purposes of determining jurisdiction, the  
161           offense is committed in this state if the transmission that  
162           constitutes the offense either originates in this state or is  
163           received in this state and shall be considered to be committed  
164           in any county in which any part of the crime took place or in  
165           the county of residence of the victim or defendant.

166           (d) A person charged under this section shall be tried  
167           as an adult and the record of the proceeding shall not be  
168           sealed nor subject to expungement.



169       (e) It shall not be a defense to prosecution under this  
170       section that an undercover operative or law enforcement  
171       officer was involved in the detection and investigation of an  
172       offense.

173       (f) (e) ~~Transmitting obscene material of engaging in~~  
174       ~~sexual intercourse, sodomy, or to engage in a sexual~~  
175       ~~performance, obscene sexual performance, or sexual conduct for~~  
176       ~~his or her benefit to a child~~ A violation of this section is a  
177       Class B felony."

178       "§13A-6-124

179       (a) Any person who travels either within this state, to  
180       this state, or from this state by any means, who attempts to  
181       do so, or who knowingly causes another to do so or to attempt  
182       to do so for the purpose of engaging in any unlawful sex act  
183       with a child, or another person believed by the defendant to  
184       be a child, including sexual intercourse, sodomy, a sexual  
185       conduct pursuant to Section 13A-12-200.1, sexual performance,  
186       obscene sexual performance, or other sexual conduct or a sex  
187       offense pursuant to Section 15-20A-5 for his or her benefit or  
188       for the benefit of another shall be guilty of traveling to  
189       meet a child for an unlawful sex act.

190       (b) Any person who violates this section commits a  
191       Class A felony. ~~Notwithstanding any law to the contrary, a~~  
192       ~~conviction under this section shall be considered a criminal~~  
193       ~~sex offense under Section 15-20-21.~~"

194       "§13A-6-243

195       (a) (1) A person commits the crime of directing a child  
196       to engage in sexual intercourse or sodomy if he or she



197 knowingly entices, allures, persuades, induces, or directs any  
198 ~~person under the age of 12 years~~ of the following to engage in  
199 sexual intercourse or sodomy with another person:

200 a. A child under 12 years of age.

201 b. A child 12 or more years of age, but less than 16  
202 years of age, provided the child is two or more years younger  
203 than the other person.

204 (2) Directing a child to engage in sexual intercourse  
205 or sodomy is a Class A felony.

206 (b) (1) A person commits the crime of directing a child  
207 to engage in sexual contact if he or she knowingly entices,  
208 allures, persuades, induces, or directs any ~~person under the~~  
209 ~~age of 12 years~~ of the following to engage in sexual contact  
210 with another person:

211 a. A child under 12 years of age.

212 b. A child 12 or more years of age, but less than 16  
213 years of age, provided the child is two or more years younger  
214 than the other person.

215 (2) ~~A violation of this section~~ Directing a child to  
216 engage in sexual contact is a Class B felony."

217 Section 2. It shall not be a defense to prosecution  
218 under Article 6 of Chapter 6 of Title 13A, Code of Alabama  
219 1975, that an undercover operative or law enforcement officer  
220 was involved in the detection and investigation of an offense.

221 Section 3. Sections 15-20A-5 and 15-25-31, Code of  
222 Alabama 1975, are amended to read as follows:

223 "§15-20A-5

224 For the purposes of this chapter, a sex offense

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225 includes any of the following offenses:

226 (1) Rape in the first degree, as provided by Section  
227 13A-6-61.

228 (2) Rape in the second degree, as provided by Section  
229 13A-6-62. A juvenile sex offender adjudicated delinquent of a  
230 violation of rape in the second degree is presumed to be  
231 exempt from this chapter after the juvenile has been counseled  
232 on the dangers of the conduct for which he or she was  
233 adjudicated delinquent unless the sentencing court makes a  
234 determination that the juvenile sex offender is to be subject  
235 to this chapter.

236 (3) Sodomy in the first degree, as provided by Section  
237 13A-6-63.

238 (4) Sodomy in the second degree, as provided by Section  
239 13A-6-64. A juvenile sex offender adjudicated delinquent of a  
240 violation of sodomy in the second degree is presumed to be  
241 exempt from this chapter after the juvenile has been counseled  
242 on the dangers of the conduct for which he or she was  
243 adjudicated delinquent unless the sentencing court makes a  
244 determination that the juvenile sex offender is to be subject  
245 to this chapter.

246 (5) Sexual misconduct, as provided by Section 13A-6-65,  
247 provided that on a first conviction or adjudication the sex  
248 offender is only subject to registration and verification  
249 pursuant to this chapter. On a second or subsequent conviction  
250 or adjudication of a sex offense, if the second or subsequent  
251 conviction or adjudication does not arise out of the same set  
252 of facts and circumstances as the first conviction or



253 adjudication of a sex offense, the sex offender shall comply  
254 with all requirements of this chapter. A juvenile sex offender  
255 adjudicated delinquent of a violation of sexual misconduct is  
256 presumed to be exempt from this chapter after the juvenile has  
257 been counseled on the dangers of the conduct for which he or  
258 she was adjudicated delinquent unless the sentencing court  
259 makes a determination that the juvenile sex offender is to be  
260 subject to this chapter.

261 (6) Sexual torture, as provided by Section 13A-6-65.1.

262 (7) Sexual abuse in the first degree, as provided by  
263 Section 13A-6-66.

264 (8) Sexual abuse in the second degree, as provided by  
265 Section 13A-6-67.

266 (9) Indecent exposure, as provided by Section 13A-6-68,  
267 provided that on a first conviction or adjudication of a sex  
268 offense, the sex offender is only subject to registration and  
269 verification pursuant to this chapter. On a second or  
270 subsequent conviction or adjudication of a sex offense, if the  
271 second or subsequent conviction or adjudication does not arise  
272 out of the same set of facts and circumstances as the first  
273 conviction or adjudication, the sex offender shall comply with  
274 all requirements of this chapter. A juvenile sex offender  
275 adjudicated of a violation of indecent exposure is presumed to  
276 be exempt from this chapter after the juvenile has been  
277 counseled on the dangers of the conduct for which he or she  
278 was adjudicated delinquent unless the sentencing court makes a  
279 determination that the juvenile sex offender is to be subject  
280 to this chapter.



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281 (10) Enticing a child to enter a vehicle, room, house,  
282 office, or other place for immoral purposes, as provided by  
283 Section 13A-6-69.

284 (11) Sexual abuse of a child less than 12 years old, as  
285 provided by Section 13A-6-69.1.

286 (12) Promoting prostitution in the first degree, as  
287 provided by Section 13A-12-111.

288 (13) Promoting prostitution in the second degree, as  
289 provided by Section 13A-12-112.

290 (14) Violation of the Alabama Child Pornography Act, as  
291 provided by Section 13A-12-191, 13A-12-192, 13A-12-196, or  
292 13A-12-197. A juvenile sex offender adjudicated delinquent of  
293 a violation of the Alabama Child Pornography Act is presumed  
294 to be exempt from this chapter after the juvenile has been  
295 counseled on the dangers of the conduct for which he or she  
296 was adjudicated delinquent unless the sentencing court makes a  
297 determination that the juvenile sex offender is to be subject  
298 to this chapter.

299 (15) Unlawful imprisonment in the first degree, as  
300 provided by Section 13A-6-41, if the victim of the offense is  
301 a minor, and the record of adjudication or conviction reflects  
302 the intent of the unlawful imprisonment was to abuse the minor  
303 sexually.

304 (16) Unlawful imprisonment in the second degree, as  
305 provided by Section 13A-6-42, if the victim of the offense is  
306 a minor, and the record of adjudication or conviction reflects  
307 the intent of the unlawful imprisonment was to abuse the minor  
308 sexually.



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309 (17) Kidnapping in the first degree, as provided by  
310 subdivision (4) of subsection (a) of Section 13A-6-43, if the  
311 intent of the abduction is to violate or abuse the victim  
312 sexually.

313 (18) Kidnapping of a minor, except by a parent,  
314 guardian, or custodian, as provided by Section 13A-6-43 or  
315 13A-6-44.

316 (19) Incest, as provided by Section 13A-13-3.

317 (20) Transmitting obscene material to a child by  
318 computer, as provided by Section 13A-6-111.

(21) School employee engaging in a sex act or deviant sexual intercourse with a student, or having sexual contact or soliciting a sex act or sexual contact with a student, as provided by Sections 13A-6-81 and 13A-6-82.

323 (22) Foster parent engaging in a sex act, having sexual  
324 contact, or soliciting a sex act or sexual contact with a  
325 foster child, as provided by Section 13A-6-71.

326 (23) Facilitating solicitation of unlawful sexual  
327 conduct with a child, as provided by Section 13A-6-121.

328 (24) Electronic solicitation of a child, as provided by  
329 Section 13A-6-122.

330 (25) Facilitating the on-line solicitation of a child,  
331 as provided by Section 13A-6-123.

332 (26) Traveling to meet a child for an unlawful sex act,  
333 as provided by Section 13A-6-124.

334 (27) Facilitating the travel of a child for an unlawful  
335 sex act, as provided by Section 13A-6-125.

336 (28) Human trafficking in the first degree, as provided



337 by Section 13A-6-152, provided that the offense involves  
338 sexual servitude.

339 (29) Human trafficking in the second degree, as  
340 provided by Section 13A-6-153, provided that the offense  
341 involves sexual servitude.

342 (30) Custodial sexual misconduct, as provided by  
343 Section 14-11-31.

344 (31) Sexual extortion, as provided by Section  
345 13A-6-241.

346 (32) Directing a child to engage in a sex act, as  
347 provided in Section 13A-6-243.

348 (33) Voyeurism in the first degree, as provided in  
349 Section 13A-11-41.

350 ~~(33)~~(34) Any offense which is the same as or equivalent  
351 to any offense set forth above as the same existed and was  
352 defined under the laws of this state existing at the time of  
353 such conviction, specifically including, but not limited to,  
354 crime against nature, as provided by Section 13-1-110; rape,  
355 as provided by Sections 13-1-130 and 13-1-131; carnal  
356 knowledge of a woman or girl, as provided by Sections 13-1-132  
357 through 13-1-135, or attempting to do so, as provided by  
358 Section 13-1-136; indecent molestation of children, as defined  
359 and provided by Section 13-1-113; indecent exposure, as  
360 provided by Section 13-1-111; incest, as provided by Section  
361 13-8-3; offenses relative to obscene prints and literature, as  
362 provided by Sections 13-7-160 through 13-7-175, inclusive;  
363 employing, harboring, procuring or using a girl over 10 and  
364 under 18 years of age for the purpose of prostitution or

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365 sexual intercourse, as provided by Section 13-7-1; seduction,  
366 as defined and provided by Section 13-1-112; a male person  
367 peeping into a room occupied by a female, as provided by  
368 Section 13-6-6; assault with intent to ravish, as provided by  
369 Section 13-1-46; and soliciting a child by computer, as  
370 provided by Section 13A-6-110.

371 ~~(34)~~ (35) Any solicitation, attempt, or conspiracy to  
372 commit any of the offenses listed in subdivisions (1) to  
373 ~~(33)~~ (34), inclusive.

374 ~~(35)~~ (36) Any crime committed in Alabama or any other  
375 state, the District of Columbia, any United States territory,  
376 or a federal, military, Indian, or foreign country  
377 jurisdiction which, if it had been committed in this state  
378 under the current provisions of law, would constitute an  
379 offense listed in subdivisions (1) to ~~(34)~~ (35), inclusive.

380 ~~(36)~~ (37) Any offense specified by Title I of the  
381 federal Adam Walsh Child Protection and Safety Act of 2006  
382 (Pub. L. 109-248, the Sex Offender Registration and  
383 Notification Act (SORNA)).

384 ~~(37)~~ (38) Any crime committed in another state, the  
385 District of Columbia, any United States territory, or a  
386 federal, military, Indian, or foreign country jurisdiction if  
387 that jurisdiction also requires that anyone convicted of that  
388 crime register as a sex offender in that jurisdiction.

389 ~~(38)~~ (39) Any offender determined in any jurisdiction to  
390 be a sex offender shall be considered a sex offender in this  
391 state.

392 ~~(39)~~ (40) The foregoing notwithstanding, any crime

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393 committed in any jurisdiction which, irrespective of the  
394 specific description or statutory elements thereof, is in any  
395 way characterized or known as rape, carnal knowledge, sodomy,  
396 sexual assault, sexual battery, criminal sexual conduct,  
397 criminal sexual contact, sexual abuse, continuous sexual  
398 abuse, sexual torture, solicitation of a child, enticing or  
399 luring a child, child pornography, lewd and lascivious  
400 conduct, taking indecent liberties with a child, molestation  
401 of a child, criminal sexual misconduct, video voyeurism, or  
402 there has been a finding of sexual motivation.

403 ~~(40)~~ (41) Any crime not listed in this section wherein  
404 the underlying felony is an element of the offense and listed  
405 in subdivisions (1) to ~~(39)~~ (40), inclusive.

406 ~~(41)~~ (42) Any other offense not provided for in this  
407 section wherein there is a finding of sexual motivation as  
408 provided by Section 15-20A-6."

409 "§15-25-31

410 An out-of-court statement made by a witness or a victim  
411 who is a child under ~~12-16~~ years of age at the time the  
412 statement is made, or by a protected person as defined in  
413 Section 15-25-1, concerning an act that is a material element  
414 of any crime involving a physical offense, sexual offense, or  
415 violent offense, as defined in Section 15-25-39, which  
416 statement is not otherwise admissible in evidence, is  
417 admissible in evidence in ~~criminal~~ any court proceedings, if  
418 the requirements of Section 15-25-32 are met. "

419 Section 4. (a) As used in this section, the following  
420 terms have the following meanings:



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421 (1) EMPLOYEE. Any individual who is an employee,  
422 contractual employee, or volunteer at an inpatient or  
423 residential drug rehabilitation or mental health facility and  
424 who has the responsibility for the care, treatment, control,  
425 or supervision of patients in the facility.

426 (2) SEXUAL CONDUCT. The term as defined in Section  
427 14-11-30, Code of Alabama 1975.

428 (b) A person commits the crime of inpatient custodial  
429 sexual misconduct if the person is an employee and solicits or  
430 engages in sexual conduct with any other person who is a  
431 patient in or committed to an inpatient or residential drug  
432 rehabilitation or mental health facility.

433 (c) A violation of this section is a Class C felony.

434 (d) (1) It is the public policy of the state to prohibit  
435 without exception all inpatient and residential custodial  
436 sexual misconduct.

437 (2) For purposes of prosecution under this section,  
438 consent is not a defense and the issue of whether a patient in  
439 an inpatient or residential drug rehabilitation or mental  
440 health facility consented to any sexual conduct is immaterial.

441                   Section 5. Sections 12-21-148, 15-20A-6, and 15-20A-44,  
442       Code of Alabama 1975, are amended to make conforming changes  
443       as follows:

444 "§12-21-148

445 (a) For the purposes of this section, the following  
446 terms ~~shall~~ have the following meanings:

447 (1) CERTIFIED FACILITY DOG. A trained working dog that  
448 is a graduate of an assistance dog organization, a nonprofit



449 organization that sets standards of training for the health,  
450 welfare, task work, and oversight for assistance dogs and  
451 their handlers, and shall have at a minimum all of the  
452 following:

453 a. Two years of training and must have passed the same  
454 public-access test as a service dog.

455 b. Documentation showing that the certified facility  
456 dog has graduated from an assistance dog organization.

457 c. A current annual certificate of health from an  
458 Alabama veterinarian.

459 d. Proof of liability insurance in the minimum amount  
460 of five hundred thousand dollars (\$500,000).

461 (2) CERTIFIED HANDLER. A certified handler who has  
462 received training from an assistance dog organization and has  
463 received training on the protocols and policies of legal  
464 proceedings and the role of the certified facility dog and  
465 certified handler to assure there is no interference with the  
466 collection of evidence and testimony, or the administration of  
467 justice.

468 (b) In a legal proceeding, to reduce the stress of a  
469 witness and to enhance the ability of the court to obtain full  
470 and accurate testimony, the court may allow a certified  
471 facility dog to accompany a victim or witness while  
472 testifying, or in other court proceedings, if a certified  
473 facility dog is available.

474 (c) If the court, in its sole discretion, grants the  
475 use of a certified facility dog, and a jury has been empaneled  
476 in the legal proceeding, the certified facility dog shall be



477 accompanied by the certified handler to the witness stand with  
478 the witness outside of the presence of the jury, and the  
479 certified handler shall return to his or her position in the  
480 courtroom within view of the witness stand. Subsequently, L the  
481 jury shall be seated and the court shall instruct the jury on  
482 the presence of the certified facility dog and that the  
483 presence of a certified facility dog should not create any  
484 prejudice to any party.

485 (d) During trial proceedings, all precautions should be  
486 taken to obscure the presence of the dog from the jury.

487 (e) Markings identifying the dog as a certified  
488 facility dog while working must be visible.

489 (f) Subject to the Alabama Rules of Criminal Procedure,  
490 if requested by either party in a legal proceeding, the court  
491 may examine and confirm the credentials of the certified  
492 facility dog and certified handler.

493 (g) Prior to the use of a certified facility dog in a  
494 court proceeding, L the state or moving party must file a notice  
495 of intent to use the ~~registered therapy~~ certified facility  
496 dog."

497 "§15-20A-6

498 (a) (1) The indictment, count in the indictment,  
499 information, complaint, L or warrant charging the offense may  
500 include a specification of sexual motivation or the  
501 prosecuting attorney may file an allegation of sexual  
502 motivation in any criminal case classified as a felony or  
503 Class A misdemeanor if sufficient admissible evidence exists  
504 that would justify a finding of sexual motivation by a



505 reasonable and objective finder of fact.

506 (2) If a specification is included in the indictment,  
507 count in the indictment, information, complaint, or warrant  
508 charging the offense, the specification shall be stated at the  
509 end of the body of the indictment, count in the indictment,  
510 information, complaint, or warrant and shall be in  
511 substantially the following form: "SPECIFICATION or  
512 SPECIFICATION TO THE FIRST COUNT. The Grand Jurors (or insert  
513 appropriate name) further find and specify that the offender  
514 committed the offense with a sexual motivation."

515 (3) If the prosecuting attorney files an allegation of  
516 sexual motivation, it shall be filed within a reasonable time  
517 after indictment to give sufficient notice to the defendant.

518 (b) If the indictment, count of the indictment,  
519 information, complaint, or warrant charging the offense  
520 includes a specification of sexual motivation or if the  
521 prosecuting attorney files an allegation of sexual motivation,  
522 the state shall prove beyond a reasonable doubt that the  
523 defendant committed the offense with a sexual motivation.

524 (c) The court shall make a written finding of fact, to  
525 be made part of the record upon conviction or adjudication as  
526 a youthful offender, of whether or not a sexual motivation was  
527 present at the time of the commission of the offense unless  
528 the defendant has a trial by jury.

529 (d) If a defendant has a trial by jury, the jury, if it  
530 finds the defendant guilty, shall also find a special verdict  
531 as to whether or not the defendant committed the crime with a  
532 sexual motivation.



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533 (e) If there is a finding of sexual motivation, the  
534 finding shall be made part of the record of conviction or  
535 adjudication.

536 (f) For purposes of this section, sexual motivation  
537 means that one of the purposes for which the defendant  
538 committed the crime was for the purpose of the sexual  
539 gratification of the defendant.

540 (g) This section shall not apply to sex offenses as  
541 defined in subdivisions (1) to ~~(40)~~(41), inclusive, of Section  
542 15-20A-5."

543 "§15-20A-44

544 (a) The Secretary of the Alabama State Law Enforcement  
545 Agency shall adopt rules establishing an administrative  
546 hearing for persons who are only made subject to this chapter  
547 pursuant to subdivision ~~(35)~~(36) of Section 15-20A-5.

548 (b) The Secretary of the Alabama State Law Enforcement  
549 Agency shall adopt rules setting forth a listing of offenses  
550 from other jurisdictions that are to be considered criminal  
551 sex offenses under subdivision (35)(36) of Section 15-20A-5.  
552 Thereafter, any individual convicted of any offense set forth  
553 in the listing shall immediately be subject to this chapter  
554 and shall not be entitled to an administrative hearing as  
555 provided in subsection (a).

556 (c) The Secretary of the Alabama State Law Enforcement  
557 Agency may adopt any rules as are necessary to implement and  
558 enforce this chapter."

559                   Section 6. This act shall become effective on October  
560                   1, 2026.