

**SB203 ENROLLED**



1 SB203  
2 XD1QDE7-2  
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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1 Enrolled, An Act,

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4 Relating to criminal law and procedure; to amend  
5 Sections 13A-6-43, 13A-6-44, 13A-6-68, 13A-6-111, 13A-6-124,  
6 and 13A-6-243, Code of Alabama 1975, to further provide for  
7 the affirmative defenses to offenses of kidnapping in the  
8 first and second degrees; to expand the offenses of indecent  
9 exposure, directing a child to engage in sexual intercourse or  
10 sodomy, traveling to meet a child for an unlawful sex act, and  
11 directing a child to engage in sexual contact to include  
12 additional child victims; to further provide for the offense  
13 of transmitting obscene material to a child by computer to  
14 specify that the offense may be consummated if undercover  
15 agents are involved; to amend Sections 15-20A-5 and 15-25-31,  
16 Code of Alabama 1975, to further define the term "sex offense"  
17 to include voyeurism; to further provide for the admissibility  
18 of out-of-court statements made by children; to establish the  
19 crime of inpatient custodial sexual misconduct and provide  
20 criminal penalties for a violation; to amend Section  
21 12-21-148, Code of Alabama 1975, to further provide for the  
22 use of a certified facility dog in court proceedings; to amend  
23 Sections 15-20A-6 and 15-20A-44, Code of Alabama 1975, to make  
24 conforming changes; to amend Sections 26-14-3, Code of Alabam  
25 1975, to further provide for the circumstances when a  
26 mandatory reporter must submit a report to a duly constituted  
27 authority; to further provide for the timeline of submitting  
28 reports; to provide an enhanced penalty for subsequent



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29 violations; to further provide for the commencement of  
30 prosecution; and to make nonsubstantive, technical revisions  
31 to update the existing code language to current style.

32 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

33 Section 1. Sections 13A-6-43, 13A-6-44, 13A-6-68,  
34 13A-6-111, 13A-6-124, and 13A-6-243, Code of Alabama 1975, are  
35 amended to read as follows:

36 "§13A-6-43

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

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

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

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

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

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

47 (6) Interfere with the performance of any governmental  
48 or political function.

49 ~~(b) A person does not commit the crime of kidnapping in~~  
50 ~~the first degree if he voluntarily releases the victim alive,~~  
51 ~~and not suffering from serious physical injury, in a safe~~  
52 ~~place prior to apprehension. The burden of injecting the issue~~  
53 ~~of voluntary safe release is on the defendant, but this does~~  
54 ~~not shift the burden of proof. This subsection does not apply~~  
55 ~~to a prosecution for or preclude a conviction of kidnapping in~~  
56 ~~the second degree or any other crime.~~



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57 ~~(e)~~ (b) Kidnapping in the first degree is a Class A  
58 felony."

59 "§13A-6-44

60 (a) A person commits the crime of kidnapping in the  
61 second degree if he or she abducts another person using, or  
62 with the intent to use, deception, physical force, or deadly  
63 physical force.

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

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

68 ~~(2) The actor is a relative of the person abducted, and~~

69 ~~(3) The (b) (1) It is an affirmative defense to a~~  
70 violation of this section if the actor's sole purpose is to  
71 assume lawful control of that person.

72 (2) The burden of injecting the issue of defense under  
73 this subsection is on the defendant, but this does not shift  
74 the burden of proof.

75 (c) Kidnapping in the second degree is a Class B  
76 felony."

77 "§13A-6-68

78 (a) A person commits the crime of indecent exposure if,  
79 with intent to arouse or gratify sexual desire of himself or  
80 herself, ~~or of any person other than his or her spouse,~~ he or  
81 she exposes his or her genitals under circumstances in which  
82 he or she knows the conduct is likely to cause affront or  
83 alarm.

84 (b) (1) Indecent exposure is a Class A misdemeanor



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85 ~~except a third or subsequent conviction shall be.~~

86 (2) Notwithstanding subdivision (1), indecent exposure  
87 is a Class C felony under either of the following  
88 circumstances:

89 a. If any victim of the offense is under 12 years of  
90 age.

91 b. If the person has two or more prior convictions  
92 under this article."

93 "§13A-6-111

94 (a) A person is guilty of transmitting obscene material  
95 to a child if the person transmits to a child, or another  
96 person believed by the defendant to be a child, by means of  
97 any cellular device, online application, computer  
98 communication system allowing the input, output, examination,  
99 or transfer of computer programs from one computer to another,  
100 or any other electronic means, material which, in whole or in  
101 part, depicts actual or simulated nudity, sexual conduct, or  
102 sadomasochistic abuse, for the purpose of initiating or  
103 engaging in ~~sexual acts~~ sexual conduct pursuant to Section  
104 13A-12-200.1, sexual performance, or a sex offense pursuant to  
105 Section 15-20A-5 with the child.

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

108 (c) For purposes of determining jurisdiction, the  
109 offense is committed in this state if the transmission that  
110 constitutes the offense either originates in this state or is  
111 received in this state and shall be considered to be committed  
112 in any county in which any part of the crime took place or in



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113 the county of residence of the victim or defendant.

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

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

121 (f) ~~(e) Transmitting obscene material of engaging in~~  
122 ~~sexual intercourse, sodomy, or to engage in a sexual~~  
123 ~~performance, obscene sexual performance, or sexual conduct for~~  
124 ~~his or her benefit to a child~~ A violation of this section is a  
125 Class B felony."

126 "§13A-6-124

127 (a) Any person who travels either within this state, to  
128 this state, or from this state by any means, who attempts to  
129 do so, or who knowingly causes another to do so or to attempt  
130 to do so for the purpose of engaging in any unlawful sex act  
131 with a child, or another person believed by the defendant to  
132 be a child, including ~~sexual intercourse, sodomy, a sexual~~  
133 conduct pursuant to Section 13A-12-200.1, sexual performance,  
134 ~~obscene sexual performance, or other sexual conduct or a sex~~  
135 offense pursuant to Section 15-20A-5 for his or her benefit or  
136 for the benefit of another shall be guilty of traveling to  
137 meet a child for an unlawful sex act.

138 (b) Any person who violates this section commits a  
139 Class A felony. ~~Notwithstanding any law to the contrary, a~~  
140 ~~conviction under this section shall be considered a criminal~~



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141 ~~sex offense under Section 15-20-21."~~

142 "§13A-6-243

143 (a) (1) A person commits the crime of directing a child  
144 to engage in sexual intercourse or sodomy if he or she  
145 knowingly entices, allures, persuades, induces, or directs any  
146 ~~person under the age of 12 years of the following~~ to engage in  
147 sexual intercourse or sodomy with another person:

148 a. A child under 12 years of age.

149 b. A child 12 or more years of age, but less than 16  
150 years of age, provided the child is two or more years younger  
151 than the other person.

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

154 (b) (1) A person commits the crime of directing a child  
155 to engage in sexual contact if he or she knowingly entices,  
156 allures, persuades, induces, or directs any ~~person under the~~  
157 ~~age of 12 years of the following~~ to engage in sexual contact  
158 with another person:

159 a. A child under 12 years of age.

160 b. A child 12 or more years of age, but less than 16  
161 years of age, provided the child is two or more years younger  
162 than the other person.

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

165 Section 2. It shall not be a defense to prosecution  
166 under Article 6 of Chapter 6 of Title 13A, Code of Alabama  
167 1975, that an undercover operative or law enforcement officer  
168 was involved in the detection and investigation of an offense.



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

171 "§15-20A-5

172 For the purposes of this chapter, a sex offense  
173 includes any of the following offenses:

174 (1) Rape in the first degree, as provided by Section  
175 13A-6-61.

176 (2) Rape in the second degree, as provided by Section  
177 13A-6-62. A juvenile sex offender adjudicated delinquent of a  
178 violation of rape in the second degree is presumed to be  
179 exempt from this chapter after the juvenile has been counseled  
180 on the dangers of the conduct for which he or she was  
181 adjudicated delinquent unless the sentencing court makes a  
182 determination that the juvenile sex offender is to be subject  
183 to this chapter.

184 (3) Sodomy in the first degree, as provided by Section  
185 13A-6-63.

186 (4) Sodomy in the second degree, as provided by Section  
187 13A-6-64. A juvenile sex offender adjudicated delinquent of a  
188 violation of sodomy in the second degree is presumed to be  
189 exempt from this chapter after the juvenile has been counseled  
190 on the dangers of the conduct for which he or she was  
191 adjudicated delinquent unless the sentencing court makes a  
192 determination that the juvenile sex offender is to be subject  
193 to this chapter.

194 (5) Sexual misconduct, as provided by Section 13A-6-65,  
195 provided that on a first conviction or adjudication the sex  
196 offender is only subject to registration and verification



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197 pursuant to this chapter. On a second or subsequent conviction  
198 or adjudication of a sex offense, if the second or subsequent  
199 conviction or adjudication does not arise out of the same set  
200 of facts and circumstances as the first conviction or  
201 adjudication of a sex offense, the sex offender shall comply  
202 with all requirements of this chapter. A juvenile sex offender  
203 adjudicated delinquent of a violation of sexual misconduct is  
204 presumed to be exempt from this chapter after the juvenile has  
205 been counseled on the dangers of the conduct for which he or  
206 she was adjudicated delinquent unless the sentencing court  
207 makes a determination that the juvenile sex offender is to be  
208 subject to this chapter.

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

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

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

214 (9) Indecent exposure, as provided by Section 13A-6-68,  
215 provided that on a first conviction or adjudication of a sex  
216 offense, the sex offender is only subject to registration and  
217 verification pursuant to this chapter. On a second or  
218 subsequent conviction or adjudication of a sex offense, if the  
219 second or subsequent conviction or adjudication does not arise  
220 out of the same set of facts and circumstances as the first  
221 conviction or adjudication, the sex offender shall comply with  
222 all requirements of this chapter. A juvenile sex offender  
223 adjudicated of a violation of indecent exposure is presumed to  
224 be exempt from this chapter after the juvenile has been



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225 counseled on the dangers of the conduct for which he or she  
226 was adjudicated delinquent unless the sentencing court makes a  
227 determination that the juvenile sex offender is to be subject  
228 to this chapter.

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

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

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

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

238 (14) Violation of the Alabama Child Pornography Act, as  
239 provided by Section 13A-12-191, 13A-12-192, 13A-12-196, or  
240 13A-12-197. A juvenile sex offender adjudicated delinquent of  
241 a violation of the Alabama Child Pornography Act is presumed  
242 to be exempt from this chapter after the juvenile has been  
243 counseled on the dangers of the conduct for which he or she  
244 was adjudicated delinquent unless the sentencing court makes a  
245 determination that the juvenile sex offender is to be subject  
246 to this chapter.

247 (15) Unlawful imprisonment in the first degree, as  
248 provided by Section 13A-6-41, if the victim of the offense is  
249 a minor, and the record of adjudication or conviction reflects  
250 the intent of the unlawful imprisonment was to abuse the minor  
251 sexually.

252 (16) Unlawful imprisonment in the second degree, as



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253 provided by Section 13A-6-42, if the victim of the offense is  
254 a minor, and the record of adjudication or conviction reflects  
255 the intent of the unlawful imprisonment was to abuse the minor  
256 sexually.

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

261 (18) Kidnapping of a minor, except by a parent,  
262 guardian, or custodian, as provided by Section 13A-6-43 or  
263 13A-6-44.

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

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

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

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

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

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

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

280 (26) Traveling to meet a child for an unlawful sex act,



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281 as provided by Section 13A-6-124.

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

284 (28) Human trafficking in the first degree, as provided  
285 by Section 13A-6-152, provided that the offense involves  
286 sexual servitude.

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

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

292 (31) Sexual extortion, as provided by Section  
293 13A-6-241.

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

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

298 ~~(33)~~ (34) Any offense which is the same as or equivalent  
299 to any offense set forth above as the same existed and was  
300 defined under the laws of this state existing at the time of  
301 such conviction, specifically including, but not limited to,  
302 crime against nature, as provided by Section 13-1-110; rape,  
303 as provided by Sections 13-1-130 and 13-1-131; carnal  
304 knowledge of a woman or girl, as provided by Sections 13-1-132  
305 through 13-1-135, or attempting to do so, as provided by  
306 Section 13-1-136; indecent molestation of children, as defined  
307 and provided by Section 13-1-113; indecent exposure, as  
308 provided by Section 13-1-111; incest, as provided by Section



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309 13-8-3; offenses relative to obscene prints and literature, as  
310 provided by Sections 13-7-160 through 13-7-175, inclusive;  
311 employing, harboring, procuring or using a girl over 10 and  
312 under 18 years of age for the purpose of prostitution or  
313 sexual intercourse, as provided by Section 13-7-1; seduction,  
314 as defined and provided by Section 13-1-112; a male person  
315 peeping into a room occupied by a female, as provided by  
316 Section 13-6-6; assault with intent to ravish, as provided by  
317 Section 13-1-46; and soliciting a child by computer, as  
318 provided by Section 13A-6-110.

319 ~~(34)~~ (35) Any solicitation, attempt, or conspiracy to  
320 commit any of the offenses listed in subdivisions (1) to  
321 ~~(33)~~ (34), inclusive.

322 ~~(35)~~ (36) Any crime committed in Alabama or any other  
323 state, the District of Columbia, any United States territory,  
324 or a federal, military, Indian, or foreign country  
325 jurisdiction which, if it had been committed in this state  
326 under the current provisions of law, would constitute an  
327 offense listed in subdivisions (1) to ~~(34)~~ (35), inclusive.

328 ~~(36)~~ (37) Any offense specified by Title I of the  
329 federal Adam Walsh Child Protection and Safety Act of 2006  
330 (Pub. L. 109-248, the Sex Offender Registration and  
331 Notification Act (SORNA)).

332 ~~(37)~~ (38) Any crime committed in another state, the  
333 District of Columbia, any United States territory, or a  
334 federal, military, Indian, or foreign country jurisdiction if  
335 that jurisdiction also requires that anyone convicted of that  
336 crime register as a sex offender in that jurisdiction.



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337           ~~(38)~~(39) Any offender determined in any jurisdiction to  
338 be a sex offender shall be considered a sex offender in this  
339 state.

340           ~~(39)~~(40) The foregoing notwithstanding, any crime  
341 committed in any jurisdiction which, irrespective of the  
342 specific description or statutory elements thereof, is in any  
343 way characterized or known as rape, carnal knowledge, sodomy,  
344 sexual assault, sexual battery, criminal sexual conduct,  
345 criminal sexual contact, sexual abuse, continuous sexual  
346 abuse, sexual torture, solicitation of a child, enticing or  
347 luring a child, child pornography, lewd and lascivious  
348 conduct, taking indecent liberties with a child, molestation  
349 of a child, criminal sexual misconduct, video voyeurism, or  
350 there has been a finding of sexual motivation.

351           ~~(40)~~(41) Any crime not listed in this section wherein  
352 the underlying felony is an element of the offense and listed  
353 in subdivisions (1) to ~~(39)~~(40), inclusive.

354           ~~(41)~~(42) Any other offense not provided for in this  
355 section wherein there is a finding of sexual motivation as  
356 provided by Section 15-20A-6."

357           "§15-25-31

358           An out-of-court statement made by a witness or a victim  
359 who is a child under ~~12~~18 years of age at the time the  
360 statement is made, or by a protected person as defined in  
361 Section 15-25-1, concerning an act that is a material element  
362 of any crime involving a physical offense, sexual offense, or  
363 violent offense, as defined in Section 15-25-39, which  
364 statement is not otherwise admissible in evidence, is



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365 admissible in evidence in ~~criminal~~any court proceedings, if  
366 the requirements of Section 15-25-32 are met. "

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

369 (1) EMPLOYEE. Any individual who is an employee,  
370 contractual employee, or volunteer at an inpatient substance  
371 use disorder treatment program or inpatient mental health  
372 facility and who has the responsibility for the care,  
373 treatment, control, or supervision of patients in the  
374 facility.

375 (2) PATIENT. Any individual who is a patient in an  
376 inpatient substance use disorder treatment program, where the  
377 individual is not allowed unsupervised access to the public,  
378 or who is committed to an inpatient mental health facility.

379 (3) SEXUAL CONDUCT. The term as defined in Section  
380 14-11-30, Code of Alabama 1975.

381 (b) A person commits the crime of inpatient custodial  
382 sexual misconduct if the person is an employee and solicits or  
383 engages in sexual conduct with any other person who is a  
384 patient at an inpatient substance use disorder treatment  
385 facility or committed to an inpatient mental health facility  
386 pursuant to Article 1, Chapter 52, Title 22, Code of Alabama  
387 1975.

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

389 (d) (1) It is the public policy of the state to prohibit  
390 without exception all inpatient custodial sexual misconduct.

391 (2) For purposes of prosecution under this section,  
392 consent is not a defense and the issue of whether a patient in



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393 an inpatient substance use disorder treatment program or  
394 inpatient mental health facility consented to any sexual  
395 conduct is immaterial.

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

399 "§12-21-148

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

402 (1) CERTIFIED FACILITY DOG. A trained working dog that  
403 is a graduate of an assistance dog organization, a nonprofit  
404 organization that sets standards of training for the health,  
405 welfare, task work, and oversight for assistance dogs and  
406 their handlers, and shall have at a minimum all of the  
407 following:

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

410 b. Documentation showing that the certified facility  
411 dog has graduated from an assistance dog organization.

412 c. A current annual certificate of health from an  
413 Alabama veterinarian.

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

416 (2) CERTIFIED HANDLER. A certified handler who has  
417 received training from an assistance dog organization and has  
418 received training on the protocols and policies of legal  
419 proceedings and the role of the certified facility dog and  
420 certified handler to assure there is no interference with the



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421 collection of evidence and testimony, or the administration of  
422 justice.

423 (b) In a legal proceeding, to reduce the stress of a  
424 witness and to enhance the ability of the court to obtain full  
425 and accurate testimony, the court may allow a certified  
426 facility dog to accompany a victim or witness while  
427 testifying, or in other court proceedings, if a certified  
428 facility dog is available.

429 (c) If the court, in its sole discretion, grants the  
430 use of a certified facility dog, and a jury has been empaneled  
431 in the legal proceeding, the certified facility dog shall be  
432 accompanied by the certified handler to the witness stand with  
433 the witness outside of the presence of the jury, and the  
434 certified handler shall return to his or her position in the  
435 courtroom within view of the witness stand. Subsequently, the  
436 jury shall be seated and the court shall instruct the jury on  
437 the presence of the certified facility dog and that the  
438 presence of a certified facility dog should not create any  
439 prejudice to any party.

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

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

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

448 (g) Prior to the use of a certified facility dog in a



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449 court proceeding, the state or moving party must file a notice  
450 of intent to use the ~~registered therapy~~ certified facility  
451 dog."

452 "§15-20A-6

453 (a) (1) The indictment, count in the indictment,  
454 information, complaint, or warrant charging the offense may  
455 include a specification of sexual motivation or the  
456 prosecuting attorney may file an allegation of sexual  
457 motivation in any criminal case classified as a felony or  
458 Class A misdemeanor if sufficient admissible evidence exists  
459 that would justify a finding of sexual motivation by a  
460 reasonable and objective finder of fact.

461 (2) If a specification is included in the indictment,  
462 count in the indictment, information, complaint, or warrant  
463 charging the offense, the specification shall be stated at the  
464 end of the body of the indictment, count in the indictment,  
465 information, complaint, or warrant and shall be in  
466 substantially the following form: "SPECIFICATION or  
467 SPECIFICATION TO THE FIRST COUNT. The Grand Jurors (or insert  
468 appropriate name) further find and specify that the offender  
469 committed the offense with a sexual motivation."

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

473 (b) If the indictment, count of the indictment,  
474 information, complaint, or warrant charging the offense  
475 includes a specification of sexual motivation or if the  
476 prosecuting attorney files an allegation of sexual motivation,



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477 the state shall prove beyond a reasonable doubt that the  
478 defendant committed the offense with a sexual motivation.

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

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

488 (e) If there is a finding of sexual motivation, the  
489 finding shall be made part of the record of conviction or  
490 adjudication.

491 (f) For purposes of this section, sexual motivation  
492 means that one of the purposes for which the defendant  
493 committed the crime was for the purpose of the sexual  
494 gratification of the defendant.

495 (g) This section shall not apply to sex offenses as  
496 defined in subdivisions (1) to ~~(40)~~(41), inclusive, of Section  
497 15-20A-5."

498 "§15-20A-44

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

503 (b) The Secretary of the Alabama State Law Enforcement  
504 Agency shall adopt rules setting forth a listing of offenses



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505 from other jurisdictions that are to be considered criminal  
506 sex offenses under subdivision ~~(35)~~(36) of Section 15-20A-5.  
507 Thereafter, any individual convicted of any offense set forth  
508 in the listing shall immediately be subject to this chapter  
509 and shall not be entitled to an administrative hearing as  
510 provided in subsection (a).

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

514 Section 6. Section 26-14-3, Code of Alabama 1975, is  
515 amended to read as follows:

516

517 "§26-14-3

518 ~~(a) All hospitals, clinics, sanitariums, doctors,~~  
519 ~~physicians, surgeons, medical examiners, coroners, dentists,~~  
520 ~~osteopaths, optometrists, chiropractors, podiatrists, physical~~  
521 ~~therapists, nurses, public and private K-12 employees, school~~  
522 ~~teachers and officials, peace officers, law enforcement~~  
523 ~~officials, pharmacists, social workers, day care workers or~~  
524 ~~employees, mental health professionals, employees of public~~  
525 ~~and private institutions of postsecondary and higher~~  
526 ~~education, members of the clergy as defined in Rule 505 of the~~  
527 ~~Alabama Rules of Evidence, or any other person called upon to~~  
528 ~~render aid or medical assistance to any child, when the child~~  
529 ~~is known or suspected to be a victim of child abuse or~~  
530 ~~neglect, shall be required to report orally, either by~~  
531 ~~telephone or direct communication immediately, and shall be~~  
532 ~~followed by a written report, to a duly constituted~~



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533 authority. (1) An individual or entity identified in  
534 subdivision (2) shall submit an oral report to a law  
535 enforcement official or the Department of Human Resources  
536 immediately upon knowing or suspecting that a child is a  
537 victim of child abuse or neglect, receiving a report from a  
538 third party that a child is or is suspected of being a victim  
539 of child abuse or neglect, or obtaining any other information  
540 that would lead a reasonable person to believe or suspect that  
541 a child is a victim of child abuse or neglect. The individual  
542 or entity shall submit an additional written report to the  
543 official or department within 72 hours of the oral report.

544 (2) All of the following are subject to the  
545 requirements of subdivision (1):

- 546 a. A hospital.
- 547 b. A clinic.
- 548 c. A sanitarium.
- 549 d. A doctor.
- 550 e. A physician.
- 551 f. A surgeon.
- 552 g. A medical examiner.
- 553 h. A coroner.
- 554 i. A dentist.
- 555 j. An osteopath.
- 556 k. An optometrist.
- 557 l. A chiropractor.
- 558 m. A podiatrist.
- 559 n. A physical therapist.
- 560 o. A nurse.



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- 561           p. A public or private K-12 school employee.
- 562           q. A school teacher.
- 563           r. A school official.
- 564           s. A peace officer.
- 565           t. A law enforcement official.
- 566           u. A pharmacist.
- 567           v. A social worker.
- 568           w. A day care worker or employee.
- 569           x. A mental health professional.
- 570           y. An employee of a public or private institution of  
571 postsecondary or higher education.
- 572           z. A member of the clergy as defined in Rule 505 of the  
573 Alabama Rules of Evidence.
- 574           aa. Any other person called upon to render aid or  
575 medical assistance to any child.
- 576           (b) (1) ~~When an initial~~ Immediately upon the receipt of  
577 a report is made to a law enforcement official pursuant to  
578 subsection (a), the law enforcement official subsequently  
579 shall inform the Department of Human Resources of the report  
580 so that the department can carry out its responsibility to  
581 provide protective services when deemed appropriate to the  
582 respective child or children.
- 583           (2) As soon as is practicable after the receipt of a  
584 ~~report of known or suspected child abuse or neglect is made~~  
585 pursuant to subsection (a), the Department of Human Resources  
586 shall make efforts to determine the military status of the  
587 parent or guardian of the child who is the subject of the  
588 child abuse or neglect allegation.



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589 (3) If the Department of Human Resources determines  
590 that a parent or guardian under subdivision (2) is in the  
591 military, the department shall notify a United States  
592 Department of Defense family advocacy program at ~~the military~~  
593 ~~installation of the parent or guardian~~guardian's military  
594 installation that there is an allegation of child abuse or  
595 neglect that is being investigated ~~that~~ which involves a child  
596 of the military parent or guardian.

597 (c) When the Department of Human Resources receives  
598 initial reports of suspected abuse or neglect, ~~as defined in~~  
599 ~~Section 26-14-1,~~ including suspected abuse or neglect  
600 involving discipline or corporal punishment committed in a  
601 public or private school or suspected abuse or neglect in a  
602 state-operated child residential facility, the Department of  
603 Human Resources shall transmit a copy of school reports ~~to the~~  
604 ~~law enforcement agency and~~ or residential facility reports to  
605 the law enforcement agency and the operating state agency  
606 which shall conduct the investigation. When the investigation  
607 is completed, a written report of the completed investigation  
608 ~~shall contain~~ containing the information required by the  
609 ~~state~~State Department of Human Resources ~~which~~ shall be  
610 submitted by the law enforcement agency or the state agency to  
611 the county department of human resources for entry into the  
612 state's central registry.

613 (d) Nothing in this chapter shall preclude interagency  
614 agreements between departments of human resources, law  
615 enforcement, ~~and~~ or any other state agencies on procedures for  
616 investigating reports of suspected child abuse and neglect to



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617 provide for departments of human resources to assist law  
618 enforcement ~~and or~~ other state agencies in these  
619 investigations.

620 ~~(e) Any provision of this section to the contrary~~  
621 ~~notwithstanding, if any agency or authority investigates any~~  
622 ~~report pursuant to this section and the report does not result~~  
623 ~~in a conviction, the agency or authority shall expunge any~~  
624 ~~record of the information or report and any data developed~~  
625 ~~from the record.~~

626 ~~(f)~~ (e) Subsection (a) to the contrary notwithstanding,  
627 a member of the clergy shall not be required to report  
628 information gained solely in a confidential communication  
629 privileged pursuant to Rule 505 of the Alabama Rules of  
630 Evidence, ~~which and the~~ communication shall continue to be  
631 privileged as provided by law.

632 ~~(g)~~ (f) (1) Commencing on August 1, 2013, a public or  
633 private employer who discharges, suspends, disciplines, or  
634 penalizes an employee solely for reporting suspected child  
635 abuse or neglect pursuant to this section shall be guilty of a  
636 Class C misdemeanor.

637 (2) A violation of subdivision (1) following a previous  
638 conviction for a violation of subdivision (1) shall be a Class  
639 C felony.

640 (g) (1) A misdemeanor prosecution for a violation of  
641 this section must be commenced within 12 months after the  
642 violation was first reported to a law enforcement agency.

643 (2) A felony prosecution for a violation of this  
644 section must be commenced within five years after the



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645 violation was first reported to a law enforcement agency."

646 Section 7. This act shall become effective on October

647 1, 2026.



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President and Presiding Officer of the Senate

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Speaker of the House of Representatives

SB203

Senate 05-Feb-26

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris,  
Secretary.

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House of Representatives  
Amended and passed: 31-Mar-26

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Senate concurred in House amendment 01-Apr-26

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By: Senator Figures