

HB125 ENROLLED



1 HB125

2 7PPYEEE-3

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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1 Enrolled, An Act,

2 Relating to crimes and offenses; to add Article 4B of
3 Chapter 6 of Title 13A, commencing with Section 13A-6-85, to
4 the Code of Alabama 1975, to provide that it is unlawful for a
5 member of the clergy to commit certain sex acts with an
6 individual under 19 years of age, or a protected person under
7 22 years of age, under certain circumstances; to provide for
8 penalties; and in connection therewith would have as its
9 purpose or effect the requirement of a new or increased
10 expenditure of local funds within the meaning of Section
11 111.05 of the Constitution of Alabama of 2022.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

16 §13A-6-85

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

19 (1) CHILD. A person under 19 years of age or a
20 protected person under 22 years of age, as defined in Section
21 15-25-1.

22 (2) CLERGY MEMBER. Any of the following in a position
23 of trust or authority over the child: A duly ordained,
24 licensed, or commissioned minister, pastor, priest, rabbi, or
25 practitioner of any bona fide established church or religious
26 organization or any person who regularly, as a vocation,
27 devotes a substantial portion of his or her time and abilities
28 to the service of his or her church or religious organization.



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29 §13A-6-86

30 (a) It shall be unlawful for a clergy member to engage
31 in sexual intercourse or sodomy, as defined in Section
32 13A-6-60, with the child. Consent is not a defense to a charge
33 under this section.

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

35 §13A-6-87

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

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

41 (b) (1) It shall be unlawful for a clergy member to
42 solicit, persuade, encourage, harass, or entice a child to
43 engage in a sex act including, but not limited to, sexual
44 intercourse, sodomy, or sexual contact, as defined in Section
45 13A-6-60. Consent is not a defense to a charge under this
46 section.

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

48 §13A-6-88

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

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

55 (2) Solicit a child to transmit, by any means, obscene
56 matter that depicts sexual intercourse, sexual excitement,



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57 masturbation, breast nudity, genital nudity, or other sexual
58 conduct to any person.

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

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

66 Section 3. This act shall become effective immediately.



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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 20-Feb-24, as amended.

John Treadwell
Clerk

Senate

25-Apr-24

Passed