- 1 HB237
- 2 197464-3
- 3 By Representatives Simpson, Rowe, Stringer, Brown (C),
- 4 Robertson, Wood (D), Fridy, Estes, South and McCutcheon
- 5 RFD: Judiciary
- 6 First Read: 20-MAR-19

1	ENGROSSED
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4	A BILL
5	TO BE ENTITLED
6	AN ACT
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8	Relating to sex abuse in the second degree; to amend
9	Section 13A-6-67, Code of Alabama 1975; to provide for an
10	enhanced sentence for a violation of sex abuse in the second
11	degree if there is at least a 15-year age difference between
12	the defendant and victim; and in connection therewith would
13	have as its purpose or effect the requirement of a new or
14	increased expenditure of local funds within the meaning of
15	Amendment 621 of the Constitution of Alabama of 1901, now
16	appearing as Section 111.05 of the Official Recompilation of
17	the Constitution of Alabama of 1901, as amended.
18	BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
19	Section 1. Section 13A-6-67, Code of Alabama 1975,
20	is amended to read as follows:
21	"\$13A-6-67.
22	"(a) A person commits the crime of sexual abuse in
23	the second degree if he or she does either of the following:
24	"(1) He subject Subjects another person to sexual
25	contact who is incapable of consent by reason of some factor
26	other than being less than 16 years old; or.

1	"(2) He, being <u>Being</u> 19 years old or older, subjects
2	another person to sexual contact who is less than 16 years
3	old, but more than 12 years old.

- "(b) Sexual abuse in second degree is a Class A misdemeanor, except that as provided in subsection (c), and or if a person commits a second or subsequent offense of sexual abuse in the second degree within one year of another sexual offense, the offense is a Class C felony.
- "(c) If a person violates subdivision (a)(2), and he or she is at least 15 years older than the victim, the offense shall be a 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 Amendment 621, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, because the bill defines a new crime or amends the definition of an existing crime.

Section 3. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

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3	House of Representatives
4 5 6 7	Read for the first time and re- ferred to the House of Representa- tives committee on Judiciary 20-MAR-19
8 9	Read for the second time and placed on the calendar 1 amendment 11-APR-19
10 11 12	Read for the third time and passed as amended
13	Yeas 101, Nays 0, Abstains 0
14 15 16 17	Jeff Woodard Clerk