

1 HB237  
2 197464-4  
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

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ENROLLED, An Act,

Relating to sex abuse in the second degree; to amend Section 13A-6-67, Code of Alabama 1975; to provide for an enhanced sentence for a violation of sex abuse in the second degree if there is at least a 15-year age difference between the defendant and victim; 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 Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 13A-6-67, Code of Alabama 1975, is amended to read as follows:

"§13A-6-67.

"(a) A person commits the crime of sexual abuse in the second degree if he or she does either of the following:

"(1) ~~He subject~~ Subjects another person to sexual contact who is incapable of consent by reason of some factor other than being less than 16 years old; ~~or.~~

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

1           "(b) Sexual abuse in second degree is a Class A  
2 misdemeanor, except ~~that~~ as provided in subsection (c), and or  
3 if a person commits a second or subsequent offense of sexual  
4 abuse in the second degree within one year of another sexual  
5 offense, the offense is a Class C felony.

6           "(c) If a person violates subdivision (a)(2), and he  
7 or she is at least 15 years older than the victim, the offense  
8 shall be a Class C felony."

9           Section 2. Although this bill would have as its  
10 purpose or effect the requirement of a new or increased  
11 expenditure of local funds, the bill is excluded from further  
12 requirements and application under Amendment 621, now  
13 appearing as Section 111.05 of the Official Recompilation of  
14 the Constitution of Alabama of 1901, as amended, because the  
15 bill defines a new crime or amends the definition of an  
16 existing crime.

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

