

1 HB501  
2 192215-1  
3 By Representative Crawford  
4 RFD: Judiciary  
5 First Read: 08-MAR-18

2  
3  
4  
5  
6  
7  
8 SYNOPSIS: Under existing law, indecent exposure is a  
9 Class A misdemeanor, except for a third or  
10 subsequent conviction, which is a Class C felony.

11 This bill would provide any conviction of  
12 indecent exposure that occurs on or near the  
13 property of a school or child care facility would  
14 be a Class C felony.

15 This bill would also provide that a youthful  
16 offender adjudication shall be considered a  
17 conviction only for enhancing indecent exposure  
18 violations.

19 Under existing law, enticing a child for  
20 immoral purposes does not include the performance  
21 of exposing genitals to a child.

22 This bill would include exposing genitals,  
23 pursuant to indecent exposure, as an offense under  
24 enticing a child for immoral purposes.

25 Amendment 621 of the Constitution of Alabama  
26 of 1901, now appearing as Section 111.05 of the  
27 Official ReCompilation of the Constitution of

1 Alabama of 1901, as amended, prohibits a general  
2 law whose purpose or effect would be to require a  
3 new or increased expenditure of local funds from  
4 becoming effective with regard to a local  
5 governmental entity without enactment by a 2/3 vote  
6 unless: it comes within one of a number of  
7 specified exceptions; it is approved by the  
8 affected entity; or the Legislature appropriates  
9 funds, or provides a local source of revenue, to  
10 the entity for the purpose.

11 The purpose or effect of this bill would be  
12 to require a new or increased expenditure of local  
13 funds within the meaning of the amendment. However,  
14 the bill does not require approval of a local  
15 governmental entity or enactment by a 2/3 vote to  
16 become effective because it comes within one of the  
17 specified exceptions contained in the amendment.

18  
19 A BILL  
20 TO BE ENTITLED  
21 AN ACT  
22

23 Relating to sexual offenses; to amend Sections  
24 13A-6-68, 13A-6-69, and 15-19-7, Code of Alabama 1975, to  
25 provide for enhanced penalties under indecent exposure when  
26 the victim is a child; to include indecent exposure as an  
27 offense under enticing a child for immoral purposes; and in

1 connection therewith would have as its purpose or effect the  
2 requirement of a new or increased expenditure of local funds  
3 within the meaning of Amendment 621 of the Constitution of  
4 Alabama of 1901, now appearing as Section 111.05 of the  
5 Official Recompilation of the Constitution of Alabama of 1901,  
6 as amended.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8 Section 1. Sections 13A-6-68, 13A-6-69, and 15-19-7,  
9 Code of Alabama 1975, are amended to read as follows:

10 "§13A-6-68.

11 "(a) A person commits the crime of indecent exposure  
12 if, with intent to arouse or gratify sexual desire of himself  
13 or herself or of any person other than his or her spouse, he  
14 or she exposes his or her genitals under circumstances in  
15 which he or she knows his or her conduct is likely to cause  
16 affront or alarm in any public place or on ~~the~~ private  
17 premises ~~of another~~ or so near thereto as to be seen from ~~such~~  
18 the private premises.

19 "(b) Indecent exposure is a Class A misdemeanor  
20 except:

21 "(1) a A third or subsequent conviction shall be a  
22 Class C felony. For purposes of this section only, an  
23 adjudication under the youthful offender act shall be  
24 considered a conviction.

25 "(2) A conviction under this section where the  
26 offender was 18 years of age or older at the time of the  
27 offense and the offense occurs on or near the property of any

1 school or child care facility, as defined in Section 15-20A-4,  
2 shall be a Class C felony.

3 "(3) A conviction under this section where the  
4 offender was 18 years of age or older at the time of the  
5 offense and the victim was 12 years of age or younger shall be  
6 a Class C felony.

7 "§13A-6-69.

8 "(a) It shall be unlawful for any person with  
9 lascivious intent to entice, allure, persuade, or invite, or  
10 attempt to entice, allure, persuade, or invite, any child  
11 under 16 years of age to enter any vehicle, room, house,  
12 office, or other place for the purpose of:

13 "(1) ~~proposing~~ Proposing to ~~such the~~ child the  
14 performance of an act of sexual intercourse or an act which  
15 constitutes the offense of sodomy; or

16 "(2) ~~for the purpose of proposing~~ Proposing the  
17 fondling or feeling of the sexual or genital parts of ~~such the~~  
18 child or the breast of such child; or

19 "(3) ~~for the purpose of committing~~ Committing an  
20 aggravated assault on ~~such the~~ child; or

21 "(4) ~~for the purpose of proposing~~ Proposing that  
22 ~~such the~~ child fondle or feel the sexual or genital parts of  
23 such person; or

24 "(5) Exposing genitals to the child pursuant to  
25 Section 13A-6-68.

26 "(b) A violation of this section is a Class C  
27 felony.

1           "§15-19-7.

2           "(a) No determination made under the provisions of  
3 this chapter shall disqualify any youth for public office or  
4 public employment, operate as a forfeiture of any right or  
5 privilege or make him or her ineligible to receive any license  
6 granted by public authority, and such determination shall not  
7 be deemed a conviction of crime except as provided in Section  
8 13A-6-68; provided, however, that if he or she is subsequently  
9 convicted of crime, the prior adjudication as youthful  
10 offender shall be considered.

11           "(b) The fingerprints and photographs and other  
12 records of a person adjudged a youthful offender shall not be  
13 open to public inspection unless the person adjudged a  
14 youthful offender is treated as an adult sex offender  
15 according to Section 15-20A-35; provided, however, that the  
16 court may, in its discretion, permit the inspection of papers  
17 or records.

18           "(c) Prosecutors representing the State of Alabama  
19 shall have access to fingerprints, photographs, and other  
20 records of a person adjudged a youthful offender contained in  
21 the court file regardless of the jurisdiction from which the  
22 file originates."

23           Section 2. Although this bill would have as its  
24 purpose or effect the requirement of a new or increased  
25 expenditure of local funds, the bill is excluded from further  
26 requirements and application under Amendment 621, now  
27 appearing as Section 111.05 of the Official ReCompilation of

1 the Constitution of Alabama of 1901, as amended, because the  
2 bill defines a new crime or amends the definition of an  
3 existing crime.

4 Section 3. This act shall become effective  
5 immediately following its passage and approval by the  
6 Governor, or its otherwise becoming law.