

1 SB380  
2 129229-1  
3 By Senator Orr  
4 RFD: Judiciary  
5 First Read: 12-APR-11

2  
3  
4  
5  
6  
7  
8 SYNOPSIS: Under existing law, a person commits the  
9 crime of sexual misconduct if he or she engages in  
10 sexual intercourse or deviate sexual intercourse  
11 with another person without his or her consent  
12 under circumstances other than those circumstances  
13 covered by the rape and sodomy laws or with his or  
14 her consent where consent was obtained by use of  
15 fraud or artifice.

16 This bill would provide that a person  
17 commits the crime of sexual misconduct if he or she  
18 engages in sexual contact with another person  
19 without his or her consent under circumstances  
20 other than those circumstances covered by the  
21 sexual abuse laws or with his or her consent where  
22 consent was obtained by use of fraud or artifice.

23 Amendment 621 of the Constitution of Alabama  
24 of 1901, now appearing as Section 111.05 of the  
25 Official Recompilation of the Constitution of  
26 Alabama of 1901, as amended, prohibits a general  
27 law whose purpose or effect would be to require a

1 new or increased expenditure of local funds from  
2 becoming effective with regard to a local  
3 governmental entity without enactment by a 2/3 vote  
4 unless: it comes within one of a number of  
5 specified exceptions; it is approved by the  
6 affected entity; or the Legislature appropriates  
7 funds, or provides a local source of revenue, to  
8 the entity for the purpose.

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

16  
17 A BILL  
18 TO BE ENTITLED  
19 AN ACT  
20

21 To amend Section 13A-6-65, Code of Alabama 1975; to  
22 provide further for the crime of sexual misconduct; and in  
23 connection therewith would have as its purpose or effect the  
24 requirement of a new or increased expenditure of local funds  
25 within the meaning of Amendment 621 of the Constitution of  
26 Alabama of 1901, now appearing as Section 111.05 of the

1 Official Recompilation of the Constitution of Alabama of 1901,  
2 as amended.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Section 13A-6-65, Code of Alabama 1975,  
5 is amended to read as follows:

6 "§13A-6-65.

7 "(a) A person commits the crime of sexual misconduct  
8 if:

9 "(1) Being a male, he engages in sexual intercourse  
10 with a female without her consent, under circumstances other  
11 than those covered by Sections 13A-6-61 and 13A-6-62; or with  
12 her consent where consent was obtained by the use of any fraud  
13 or artifice; or

14 "(2) Being a female, she engages in sexual  
15 intercourse with a male without his consent; or

16 "(3) He or she engages in deviate sexual intercourse  
17 with another person under circumstances other than those  
18 covered by Sections 13A-6-63 and 13A-6-64. Consent is no  
19 defense to a prosecution under this subdivision.

20 "(4) He or she engages in sexual contact with  
21 another person without his or her consent, under circumstances  
22 other than those covered by Sections 13A-6-66, 13A-6-67, and  
23 13A-6-69.1, or with consent where consent was obtained by the  
24 use of any fraud or artifice.

25 "(b) Sexual misconduct is a Class A misdemeanor."

26 Section 2. Although this bill would have as its  
27 purpose or effect the requirement of a new or increased

1 expenditure of local funds, the bill is excluded from further  
2 requirements and application under Amendment 621, now  
3 appearing as Section 111.05 of the Official Recompilation of  
4 the Constitution of Alabama of 1901, as amended, because the  
5 bill defines a new crime or amends the definition of an  
6 existing crime.

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