

SB317 INTRODUCED



1 SB317
2 TVMR195-1
3 By Senator Smitherman
4 RFD: Judiciary
5 First Read: 11-Apr-24



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SYNOPSIS:

This bill would provide that it is unlawful for a minister, priest, rabbi, bishop, or other recognized member of the clergy in a position of trust or authority over a person to commit certain sex acts with an individual under 19 years of age, or a protected person under 22 years of age.

This bill would also provide for penalties.

Section 111.05 of the Constitution of Alabama of 2022, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the affected entity; or the Legislature appropriates funds, or provides a local source of revenue, to the entity for the purpose.

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



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A BILL
TO BE ENTITLED
AN ACT

Relating to crimes and offenses; to add Article 4B of Chapter 6 of Title 13A, commencing with Section 13A-6-85, to the Code of Alabama 1975, to provide that it is unlawful for a member of the clergy to commit certain sex acts with an individual under 19 years of age, or a protected person under 22 years of age, under certain circumstances; to provide for penalties; 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 Section 111.05 of the Constitution of Alabama of 2022.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

§13A-6-85

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

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

(2) CLERGY MEMBER. Any of the following in a position of trust or authority over a child: Minister, priest, rabbi,



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57 bishop, or other recognized member of the clergy, or any staff
58 member of volunteer.

59 §13A-6-86

60 (a) It shall be unlawful for a clergy member to engage
61 in sexual intercourse or sodomy, as defined in Section
62 13A-6-60, with a child. Consent is not a defense to a charge
63 under this section.

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

65 §13A-6-87

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

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

71 (b) (1) It shall be unlawful for a clergy member to
72 solicit, persuade, encourage, harass, or entice a child to
73 engage in a sex act including, but not limited to, sexual
74 intercourse, sodomy, or sexual contact, as defined in Section
75 13A-6-60. Consent is not a defense to a charge under this
76 section.

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

78 §13A-6-88

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

81 (1) Distribute or transmit, by any means, obscene
82 matter that depicts sexual intercourse, sexual excitement,
83 masturbation, breast nudity, genital nudity, or other sexual
84 conduct to a child.



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85 (2) Solicit a child to transmit, by any means, obscene
86 matter that depicts sexual intercourse, sexual excitement,
87 masturbation, breast nudity, genital nudity, or other sexual
88 conduct to any person.

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

90 Section 2. Although this bill would have as its purpose
91 or effect the requirement of a new or increased expenditure of
92 local funds, the bill is excluded from further requirements
93 and application under Section 111.05 of the Constitution of
94 Alabama of 2022, because the bill defines a new crime or
95 amends the definition of an existing crime.

96 Section 3. This act shall become effective immediately.