

1 HB34
2 134353-1
3 By Representative Johnson (W)
4 RFD: Judiciary
5 First Read: 07-FEB-12
6 PFD: 12/01/2011

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8 SYNOPSIS: Under existing law, there is no specific
9 crime designated continuous sexual abuse of another
10 person.

11 This bill would create the crime of
12 continuous sexual abuse of another person when the
13 first act of sexual conduct occurs when the abused
14 person is under the age of 16 and would provide
15 penalties for the crime.

16 Amendment 621 of the Constitution of Alabama
17 of 1901, now appearing as Section 111.05 of the
18 Official Recompilation of the Constitution of
19 Alabama of 1901, as amended, prohibits a general
20 law whose purpose or effect would be to require a
21 new or increased expenditure of local funds from
22 becoming effective with regard to a local
23 governmental entity without enactment by a 2/3 vote
24 unless: it comes within one of a number of
25 specified exceptions; it is approved by the
26 affected entity; or the Legislature appropriates

1 funds, or provides a local source of revenue, to
2 the entity for the purpose.

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

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11 A BILL
12 TO BE ENTITLED
13 AN ACT
14

15 Relating to crimes and offenses; to create the crime
16 of continuous sexual abuse of another person and to provide
17 for penalties; and in connection therewith would have as its
18 purpose or effect the requirement of a new or increased
19 expenditure of local funds within the meaning of Amendment 621
20 of the Constitution of Alabama of 1901, now appearing as
21 Section 111.05 of the Official Recompilation of the
22 Constitution of Alabama of 1901, as amended.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24 Section 1. (a) A person commits the crime of
25 continuous sexual abuse when the person intentionally engages
26 in three or more acts of sexual conduct with another person

1 who was under the age of 16 years when the first act of sexual
2 conduct occurred.

3 (b) The term "sexual conduct" includes any of those
4 sexual acts defined under Sections 13A-6-61, 13A-6-62,
5 13A-6-63, 13A-6-64, 13A-6-65.1, 13A-6-66, 13A-6-67,
6 13A-6-69.1, and 13A-13-3 of the Code of Alabama 1975.

7 (c) Continuous sexual abuse shall not include sexual
8 conduct that meets all of the following:

9 (1) The sexual conduct did not involve force and was
10 only a crime due to the ages of the victim and offender.

11 (2) At the time of the sexual conduct, the victim
12 was 13 years of age or older.

13 (3) At the time of the sexual conduct, the offender
14 was not more than 4 years older than the victim.

15 (d) Continuous sexual abuse is a Class A felony.

16 Section 2. Although this bill would have as its
17 purpose or effect the requirement of a new or increased
18 expenditure of local funds, the bill is excluded from further
19 requirements and application under Amendment 621, now
20 appearing as Section 111.05 of the Official Recompilation of
21 the Constitution of Alabama of 1901, as amended, because the
22 bill defines a new crime or amends the definition of an
23 existing crime.

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