

1 HB224
2 154838-1
3 By Representatives Hurst and Johnson (R)
4 RFD: Judiciary
5 First Read: 14-JAN-14

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8 SYNOPSIS: Under existing law, the crimes of rape in
9 the first degree, sodomy in the first degree, and
10 burglary in the first degree are Class A felonies.

11 This bill would provide that a person
12 convicted of any of these crimes under certain
13 conditions would be sentenced to a minimum of 20
14 years in prison if the victim is 65 years of age or
15 older.

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

21 To amend Sections 13A-6-61, 13A-6-63, and 13A-7-5,
22 Code of Alabama 1975, relating to the crime of rape in the
23 first degree, sodomy in the first degree, and burglary in the
24 first degree; to provide that a person convicted of any of
25 these crimes under certain conditions would receive a
26 specified minimum prison sentence if the victim is 65 years of
27 age or older.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. Sections 13A-6-61, 13A-6-63, and 13A-7-5,
3 Code of Alabama 1975, are amended to read as follows:

4 "§13A-6-61.

5 "(a) A person commits the crime of rape in the first
6 degree if:

7 "(1) He or she engages in sexual intercourse with a
8 member of the opposite sex by forcible compulsion; or

9 "(2) He or she engages in sexual intercourse with a
10 member of the opposite sex who is incapable of consent by
11 reason of being physically helpless or mentally incapacitated;
12 or

13 "(3) He or she, being 16 years or older, engages in
14 sexual intercourse with a member of the opposite sex who is
15 less than 12 years old.

16 "(b) Rape in the first degree is a Class A felony.

17 "(c) A person who violates subdivision (1) or (2) of
18 this section shall be sentenced to a minimum of 20 years in
19 prison if the victim is 65 years of age or older."

20 "§13A-6-63.

21 "(a) A person commits the crime of sodomy in the
22 first degree if:

23 "(1) He or she engages in deviate sexual intercourse
24 with another person by forcible compulsion; or

25 "(2) He or she engages in deviate sexual intercourse
26 with a person who is incapable of consent by reason of being
27 physically helpless or mentally incapacitated; or

1 "(3) He or she, being 16 years old or older, engages
2 in deviate sexual intercourse with a person who is less than
3 12 years old.

4 "(b) Sodomy in the first degree is a Class A felony.

5 "(c) A person who violates subdivision (1) or (2) of
6 this section shall be sentenced to a minimum of 20 years in
7 prison if the victim is 65 years of age or older."

8 "§13A-7-5.

9 "(a) A person commits the crime of burglary in the
10 first degree if he or she knowingly and unlawfully enters or
11 remains unlawfully in a dwelling with intent to commit a crime
12 therein, and, if, in effecting entry or while in dwelling or
13 in immediate flight therefrom, the person or another
14 participant in the crime:

15 "(1) Is armed with explosives; or

16 "(2) Causes physical injury to any person who is not
17 a participant in the crime; or

18 "(3) In effecting entry, is armed with a deadly
19 weapon or dangerous instrument or, while in the dwelling or
20 immediate flight from the dwelling, uses or threatens the
21 immediate use of a deadly weapon or dangerous instrument
22 against another person. The use of or threatened use of a
23 deadly weapon or dangerous instrument does not include the
24 mere acquisition of a deadly weapon or dangerous instrument
25 during the burglary.

26 "(b) Burglary in the first degree is a Class A
27 felony.

1 "(c) A person who violates subdivision (2) of this
2 section shall be sentenced to a minimum of 20 years in prison
3 if the victim is 65 years of age or older."

4 Section 2. This act shall become effective on the
5 first day of the third month following its passage and
6 approval by the Governor, or its otherwise becoming law.