

1 HB225
2 123993-1
3 By Representatives Rogers and Moore (M)
4 RFD: Education Policy
5 First Read: 14-FEB-17

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8 SYNOPSIS: Under existing law, the State Superintendent
9 of Education must revoke the teaching certificate
10 of any person convicted of certain felony crimes,
11 including rape, murder, kidnapping, robbery, and
12 other violent and sex crimes.

13 This bill would require the State
14 Superintendent of Education to compile a list of
15 teachers who hold teaching certificates in the
16 state and transmit the list to the Alabama Criminal
17 Justice Information Center.

18 This bill would require the Alabama Criminal
19 Justice Information Center to notify the State
20 Superintendent of Education of any teachers on the
21 list who have been convicted of a felony and
22 require the superintendent to notify any school
23 district that employs a teacher who has been
24 convicted of a felony of the teacher's conviction.

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26 A BILL
27 TO BE ENTITLED

1 AN ACT

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3 To amend Section 16-23-5 of the Code of Alabama
4 1975, as last amended by Act 2010-264 of the 2010 Regular
5 Session (Acts 2010, p. 482), relating to the revocation of
6 teaching certificates; to require the State Superintendent of
7 Education to compile a list of teachers who hold teaching
8 certificates in the state and transmit the list to the Alabama
9 Criminal Justice Information Center; to require the Alabama
10 Criminal Justice Information Center to notify the State
11 Superintendent of Education of any teacher on the list who has
12 been convicted of a felony; and to require the superintendent
13 to notify any school district that employs a teacher who has
14 been convicted of a felony of the teacher's conviction.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. Section 16-23-5 of the Code of Alabama
17 1975, as last amended by Act 2010-264 of the 2010 Regular
18 Session (Acts 2010, p. 482), is amended to read as follows:

19 "§16-23-5.

20 "(a) The State Superintendent of Education may
21 revoke any certificate issued under this chapter when the
22 holder has been guilty of immoral conduct or unbecoming or
23 indecent behavior. Any provision of law to the contrary
24 notwithstanding, under the circumstances listed in subsection
25 (b), the holder shall be immediately disenfranchised from
26 certification and any other rights pursuant to Section
27 16-24-9.

1 "(b) The State Superintendent of Education shall
2 immediately revoke any certificate issued under this chapter
3 when the holder is convicted of capital murder or any Class A
4 felony, including, but not limited to, rape, murder,
5 kidnapping, or robbery, or any of the following:

6 "(1) Rape in the first or second degree, pursuant to
7 Section 13A-6-61 or 13A-6-62.

8 "(2) Sodomy in the first or second degree, pursuant
9 to Section 13A-6-63 or 13A-6-64.

10 "(3) Sexual torture, pursuant to Section 13A-6-65.1.

11 "(4) Sexual abuse in the first or second degree,
12 pursuant to Section 13A-6-66 or 13A-6-67.

13 "(5) Enticing a child to enter a vehicle, room,
14 house, office, or other place for immoral purposes, pursuant
15 to Section 13A-6-69.

16 "(6) Promoting prostitution in the first or second
17 degree, pursuant to Section 13A-12-111 or 13A-12-112.

18 "(7) Violation of the Alabama Child Pornography Act,
19 pursuant to Section 13A-12-191, 13A-12-192, 13A-12-196, or
20 13A-12-197.

21 "(8) Kidnapping a minor, except by a parent, in the
22 first or second degree, pursuant to Section 13A-6-43 or
23 13A-6-44.

24 "(9) Incest, pursuant to Section 13A-13-3, when the
25 offender is an adult and the victim is a minor.

26 "(10) Transmitting obscene material to a child by
27 computer, pursuant to Section 13A-6-111.

1 "(11) Facilitating solicitation of unlawful sexual
2 conduct with a child, pursuant to Section 13A-6-121.

3 "(12) Electronic solicitation of a child or
4 facilitating the online solicitation of a child, pursuant to
5 Section 13A-6-122 or 13A-6-123.

6 "(13) Traveling to meet a child for an unlawful sex
7 act or facilitating the travel of a child for an unlawful sex
8 act, pursuant to Section 13A-6-124 or 13A-6-125.

9 "(14) Any solicitation, attempt, or conspiracy to
10 commit any of the offenses listed in subdivisions (1) to (13),
11 inclusive.

12 "(15) Any crime committed in any state or a federal,
13 military, or foreign jurisdiction which, if committed in this
14 state under the law existing at the time of the offense, would
15 constitute an offense listed in subdivisions (1) to (13),
16 inclusive.

17 "(16) Any criminal sex offense in which the victim
18 is a child under the age of 12 or any offense involving child
19 pornography.

20 "(17) Any crime committed in any jurisdiction which,
21 regardless of the specific description or statutory elements,
22 may be characterized or known as rape, sodomy, sexual assault,
23 sexual battery, sexual abuse, sexual torture, solicitation of
24 a child, enticing or luring a child, child pornography, lewd
25 and lascivious conduct, taking indecent liberties with a
26 child, or molestation of a child.

1 "(18) Any crime not listed in this subsection
2 involving endangerment to the health, safety, or welfare of a
3 child that may be created on or after March 31, 2010.

4 "(c) (1) Within 30 days of the effective date of the
5 act adding this subsection, the State Superintendent of
6 Education shall compile a list of teachers who hold teaching
7 certificates in the state and electronically transmit the list
8 to the Alabama Criminal Justice Information Center. The
9 superintendent shall update the list on a quarterly basis.

10 "(2) Within 30 days of receipt of the list provided
11 by the State Superintendent of Education, the Alabama Criminal
12 Justice Information Center shall notify the superintendent of
13 any teachers on the list who have been convicted of a felony.
14 Thereafter, the center shall notify the superintendent when
15 any teacher is convicted of a felony.

16 "(3) The State Superintendent of Education shall
17 promptly notify the school district employing a teacher who
18 has been convicted of a felony of the teacher's conviction."

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