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3 HOUSE JUDICIARY COMMITTEE AMENDMENT TO SB320, AS ENGROSSED
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8 On page 1, line 17, after "15-3-5," insert the
9 following:

10 15-20A-5,
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12 On page 2, line 10, after "15-3-5," insert the
13 following:

14 15-20A-5,
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16 Beginning on page 25, line 25, and continuing
17 through page 31, line 27, delete the language in its entirety
18 and insert in lieu thereof the following:

19 "§15-20A-5.

20 "For the purposes of this chapter, a sex offense
21 includes any of the following offenses:

22 "(1) Rape in the first degree, as provided by
23 Section 13A-6-61.

24 "(2) Rape in the second degree, as provided by
25 Section 13A-6-62. A juvenile sex offender adjudicated
26 delinquent of a violation of rape in the second degree is
27 presumed to be exempt from this chapter after the juvenile has

1 been counseled on the dangers of the conduct for which he or
2 she was adjudicated delinquent unless the sentencing court
3 makes a determination that the juvenile sex offender is to be
4 subject to this chapter.

5 "(3) Sodomy in the first degree, as provided by
6 Section 13A-6-63.

7 "(4) Sodomy in the second degree, as provided by
8 Section 13A-6-64. A juvenile sex offender adjudicated
9 delinquent of a violation of sodomy in the second degree is
10 presumed to be exempt from this chapter after the juvenile has
11 been counseled on the dangers of the conduct for which he or
12 she was adjudicated delinquent unless the sentencing court
13 makes a determination that the juvenile sex offender is to be
14 subject to this chapter.

15 "(5) Sexual misconduct, as provided by Section
16 13A-6-65, provided that on a first conviction or adjudication
17 the sex offender is only subject to registration and
18 verification pursuant to this chapter. On a second or
19 subsequent conviction or adjudication of a sex offense, if the
20 second or subsequent conviction or adjudication does not arise
21 out of the same set of facts and circumstances as the first
22 conviction or adjudication of a sex offense, the sex offender
23 shall comply with all requirements of this chapter. ~~The~~
24 ~~sentencing court may exempt from this chapter a juvenile sex~~
25 ~~offender adjudicated delinquent of sexual misconduct. A~~
26 juvenile sex offender adjudicated delinquent of a violation of
27 sexual misconduct is presumed to be exempt from this chapter

1 after the juvenile has been counseled on the dangers of the
2 conduct for which he or she was adjudicated delinquent unless
3 the sentencing court makes a determination that the juvenile
4 sex offender is to be subject to this chapter.

5 "(6) Sexual torture, as provided by Section
6 13A-6-65.1.

7 "(7) Sexual abuse in the first degree, as provided
8 by Section 13A-6-66.

9 "(8) Sexual abuse in the second degree, as provided
10 by Section 13A-6-67.

11 "(9) Indecent exposure, as provided by Section
12 13A-6-68, provided that on a first conviction or adjudication
13 of a sex offense, the sex offender is only subject to
14 registration and verification pursuant to this chapter. On a
15 second or subsequent conviction or adjudication of a sex
16 offense, if the second or subsequent conviction or
17 adjudication does not arise out of the same set of facts and
18 circumstances as the first conviction or adjudication, the sex
19 offender shall comply with all requirements of this chapter.
20 ~~The sentencing court may exempt from this chapter a juvenile~~
21 ~~sex offender adjudicated delinquent of indecent exposure. A~~
22 juvenile sex offender adjudicated delinquent of a violation of
23 indecent exposure is presumed to be exempt from this chapter
24 after the juvenile has been counseled on the dangers of the
25 conduct for which he or she was adjudicated delinquent unless
26 the sentencing court makes a determination that the juvenile
27 sex offender is to be subject to this chapter.

1 "(10) Enticing a child to enter a vehicle, room,
2 house, office, or other place for immoral purposes, as
3 provided by Section 13A-6-69.

4 "(11) Sexual abuse of a child less than 12 years
5 old, as provided by Section 13A-6-69.1.

6 "(12) Promoting prostitution in the first degree, as
7 provided by Section 13A-12-111.

8 "(13) Promoting prostitution in the second degree,
9 as provided by Section 13A-12-112.

10 "(14) Violation of the Alabama Child Pornography
11 Act, as provided by Section 13A-12-191, 13A-12-192,
12 13A-12-196, or 13A-12-197. ~~The sentencing court may exempt~~
13 ~~from this chapter a juvenile sex offender adjudicated~~
14 ~~delinquent of a violation of the Alabama Child Pornography Act~~
15 ~~after the juvenile has been counseled on the dangers of the~~
16 ~~conduct for which he or she was adjudicated delinquent. A~~
17 juvenile sex offender adjudicated delinquent of a violation of
18 the Alabama Child Pornography Act is presumed to be exempt
19 from this chapter after the juvenile has been counseled on the
20 dangers of the conduct for which he or she was adjudicated
21 delinquent unless the sentencing court makes a determination
22 that the juvenile sex offender is to be subject to this
23 chapter.

24 "(15) Unlawful imprisonment in the first degree, as
25 provided by Section 13A-6-41, if the victim of the offense is
26 a minor, and the record of adjudication or conviction reflects

1 the intent of the unlawful imprisonment was to abuse the minor
2 sexually.

3 "(16) Unlawful imprisonment in the second degree, as
4 provided by Section 13A-6-42, if the victim of the offense is
5 a minor, and the record of adjudication or conviction reflects
6 the intent of the unlawful imprisonment was to abuse the minor
7 sexually.

8 "(17) Kidnapping in the first degree, as provided by
9 subdivision (4) of subsection (a) of Section 13A-6-43, if the
10 intent of the abduction is to violate or abuse the victim
11 sexually.

12 "(18) Kidnapping of a minor, except by a parent,
13 guardian, or custodian, as provided by Section 13A-6-43 or
14 13A-6-44.

15 "(19) Incest, as provided by Section 13A-13-3.

16 "(20) Transmitting obscene material to a child by
17 computer, as provided by Section 13A-6-111.

18 "(21) School employee engaging in a sex act or
19 deviant sexual intercourse with a student, or having sexual
20 contact or soliciting a sex act or sexual contact with a
21 student as provided by Sections 13A-6-81 and 13A-6-82.

22 "(22) Foster parent engaging in a sex act, having
23 sexual contact, or soliciting a sex act or sexual contact with
24 a foster child as provided by Section 13A-6-71.

25 "(23) Facilitating solicitation of unlawful sexual
26 conduct with a child, as provided by Section 13A-6-121.

1 "(24) Electronic solicitation of a child, as
2 provided by Section 13A-6-122.

3 "(25) Facilitating the on-line solicitation of a
4 child, as provided by Section 13A-6-123.

5 "(26) Traveling to meet a child for an unlawful sex
6 act, as provided by Section 13A-6-124.

7 "(27) Facilitating the travel of a child for an
8 unlawful sex act, as provided by Section 13A-6-125.

9 "(28) Human trafficking in the first degree, as
10 provided by Section 13A-6-152, provided that the offense
11 involves sexual servitude.

12 "(29) Human trafficking in the second degree, as
13 provided by Section 13A-6-153, provided that the offense
14 involves sexual servitude.

15 "(30) Custodial sexual misconduct, as provided by
16 Section 14-11-31.

17 "(31) Sexual extortion, as provided by Section
18 13A-6-241.

19 "(32) Directing a child to engage in a sex act, as
20 provided in Section 13A-6-243.

21 "(33) Any offense which is the same as or equivalent
22 to any offense set forth above as the same existed and was
23 defined under the laws of this state existing at the time of
24 such conviction, specifically including, but not limited to,
25 crime against nature, as provided by Section 13-1-110; rape,
26 as provided by Sections 13-1-130 and 13-1-131; carnal
27 knowledge of a woman or girl, as provided by Sections 13-1-132

1 through 13-1-135, or attempting to do so, as provided by
2 Section 13-1-136; indecent molestation of children, as defined
3 and provided by Section 13-1-113; indecent exposure, as
4 provided by Section 13-1-111; incest, as provided by Section
5 13-8-3; offenses relative to obscene prints and literature, as
6 provided by Sections 13-7-160 through 13-7-175, inclusive;
7 employing, harboring, procuring or using a girl over 10 and
8 under 18 years of age for the purpose of prostitution or
9 sexual intercourse, as provided by Section 13-7-1; seduction,
10 as defined and provided by Section 13-1-112; a male person
11 peeping into a room occupied by a female, as provided by
12 Section 13-6-6; assault with intent to ravish, as provided by
13 Section 13-1-46; and soliciting a child by computer, as
14 provided by Section 13A-6-110.

15 "(34) Any solicitation, attempt, or conspiracy to
16 commit any of the offenses listed in subdivisions (1) to (33),
17 inclusive.

18 "(35) Any crime committed in Alabama or any other
19 state, the District of Columbia, any United States territory,
20 or a federal, military, Indian, or foreign country
21 jurisdiction which, if it had been committed in this state
22 under the current provisions of law, would constitute an
23 offense listed in subdivisions (1) to (34), inclusive.

24 "(36) Any offense specified by Title I of the
25 federal Adam Walsh Child Protection and Safety Act of 2006
26 (Pub. L. 109-248, the Sex Offender Registration and
27 Notification Act (SORNA)).

1 "(37) Any crime committed in another state, the
2 District of Columbia, any United States territory, or a
3 federal, military, Indian, or foreign country jurisdiction if
4 that jurisdiction also requires that anyone convicted of that
5 crime register as a sex offender in that jurisdiction.

6 "(38) Any offender determined in any jurisdiction to
7 be a sex offender shall be considered a sex offender in this
8 state.

9 "(39) The foregoing notwithstanding, any crime
10 committed in any jurisdiction which, irrespective of the
11 specific description or statutory elements thereof, is in any
12 way characterized or known as rape, carnal knowledge, sodomy,
13 sexual assault, sexual battery, criminal sexual conduct,
14 criminal sexual contact, sexual abuse, continuous sexual
15 abuse, sexual torture, solicitation of a child, enticing or
16 luring a child, child pornography, lewd and lascivious
17 conduct, taking indecent liberties with a child, molestation
18 of a child, criminal sexual misconduct, video voyeurism, or
19 there has been a finding of sexual motivation.

20 "(40) Any crime not listed in this section wherein
21 the underlying felony is an element of the offense and listed
22 in subdivisions (1) to (39), inclusive.

23 "(41) Any other offense not provided for in this
24 section wherein there is a finding of sexual motivation as
25 provided by Section 15-20A-6.