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1 HB48
2 196524-4
3 By Representative Dismukes
4 RFD: Judiciary
5 First Read: 05-MAR-19
6 PFD: 02/14/2019



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A BILL
TO BE ENTITLED
AN ACT

To amend Section 12-15-319, Code of Alabama 1975, to create Jessi's law; to provide for termination of parental rights of a person who commits the crime of rape in the first degree or incest if the rape or incest results in the conception of the child.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be known and may be cited as "Jessi's Law."

Section 2. Section 12-15-319, Code of Alabama 1975, is amended to read as follows:

"§12-15-319.

"(a) If the juvenile court finds from clear and convincing evidence, competent, material, and relevant in nature, that the parents of a child are unable or unwilling to discharge their responsibilities to and for the child, or that the conduct or condition of the parents renders them unable to properly care for the child and that the conduct or condition is unlikely to change in the foreseeable future, it may terminate the parental rights of the parents. In determining whether or not the parents are unable or unwilling to



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1 discharge their responsibilities to and for the child and to
2 terminate the parental rights, the juvenile court shall
3 consider the following factors including, but not limited to,
4 the following:

5 "(1) That the parents have abandoned the child,
6 provided that in these cases, proof shall not be required of
7 reasonable efforts to prevent removal or reunite the child
8 with the parents.

9 "(2) Emotional illness, mental illness, or mental
10 deficiency of the parent, or excessive use of alcohol or
11 controlled substances, of a duration or nature as to render
12 the parent unable to care for needs of the child.

13 "(3) That the parent has tortured, abused, cruelly
14 beaten, or otherwise maltreated the child, or attempted to
15 torture, abuse, cruelly beat, or otherwise maltreat the child,
16 or the child is in clear and present danger of being thus
17 tortured, abused, cruelly beaten, or otherwise maltreated as
18 evidenced by the treatment of a sibling.

19 "(4) Conviction of and imprisonment for a felony.

20 "(5) Commission by the parents of any of the
21 following:

22 "a. Murder or manslaughter of another child of that
23 parent.

24 "b. Aiding, abetting, attempting, conspiring, or
25 soliciting to commit murder or manslaughter of another child
26 of that parent.



1 "c. A felony assault or abuse which results in
2 serious bodily injury to the surviving child or another child
3 of that parent. The term serious bodily injury shall mean
4 bodily injury which involves substantial risk of death,
5 extreme physical pain, protracted and obvious disfigurement,
6 or protracted loss or impairment of the function of a bodily
7 member, organ, or mental faculty.

8 "(6) Unexplained serious physical injury to the
9 child under those circumstances as would indicate that the
10 injuries resulted from the intentional conduct or willful
11 neglect of the parent.

12 "(7) That reasonable efforts by the Department of
13 Human Resources or licensed public or private child care
14 agencies leading toward the rehabilitation of the parents have
15 failed.

16 "(8) That parental rights to a sibling of the child
17 have been involuntarily terminated.

18 "(9) Failure by the parents to provide for the
19 material needs of the child or to pay a reasonable portion of
20 support of the child, where the parent is able to do so.

21 "(10) Failure by the parents to maintain regular
22 visits with the child in accordance with a plan devised by the
23 Department of Human Resources, or any public or licensed
24 private child care agency, and agreed to by the parent.

25 "(11) Failure by the parents to maintain consistent
26 contact or communication with the child.



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1 "(12) Lack of effort by the parent to adjust his or
2 her circumstances to meet the needs of the child in accordance
3 with agreements reached, including agreements reached with
4 local departments of human resources or licensed child-placing
5 agencies, in an administrative review or a judicial review.

6 "(13) A conviction for rape in the first degree
7 pursuant to Section 13A-6-61 or incest pursuant to Section
8 13A-13-3, committed by the parent if the rape or incest
9 resulted in the conception of the child.

10 "(b) A rebuttable presumption that the parents are
11 unable or unwilling to act as parents exists in any case where
12 the parents have abandoned a child and this abandonment
13 continues for a period of four months next preceding the
14 filing of the petition. Nothing in this subsection is intended
15 to prevent the filing of a petition in an abandonment case
16 prior to the end of the four-month period."

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

20 Section 4. ~~THIS SECTION WAS AMENDED BY ACT 2018-494~~
21 ~~IN THE 2018 REGULAR SESSION, EFFECTIVE JANUARY 1, 2020. THIS~~
22 ~~IS NOT IN THE CURRENT CODE SUPPLEMENT.~~

23 ~~(a) In order to obtain the redemption of land from~~
24 ~~tax sales where the same has been heretofore or hereafter sold~~
25 ~~to the state, the party desiring to make such redemption shall~~
26 ~~apply therefor as hereinafter provided and shall deposit with~~
27 ~~the judge of probate of the county in which the land is~~



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1 ~~situated the amount of money for which the lands were sold,~~
2 ~~with interest thereon at the rate of eight percent, together~~
3 ~~with the amount of all taxes found to be due on such land~~
4 ~~since the date of sale, as provided herein, with interest at~~
5 ~~the rate of eight percent and all costs and fees due to~~
6 ~~officers.~~

7 ~~(b) Upon application to the probate judge to redeem~~
8 ~~land where the same has been sold to the state for taxes,~~
9 ~~which application shall be made on blank forms to be furnished~~
10 ~~by the Land Commissioner, the probate judge shall submit such~~
11 ~~application to the tax assessor of the county in which the~~
12 ~~land sought to be redeemed is located, and the assessor shall~~
13 ~~without delay enter on such application an assessment value~~
14 ~~for each of the years for which taxes are due, subsequent to~~
15 ~~the year for which such land was sold to the state for taxes,~~
16 ~~and such assessment value shall be such percentage as~~
17 ~~established by law of the fair and reasonable market value of~~
18 ~~such lands as of October 1 of the year or years subsequent to~~
19 ~~the year for which the land was sold for taxes.~~

20 ~~(c) Any party having a right to redeem the property,~~
21 ~~his or her agents, or attorney, shall have the right to file a~~
22 ~~written protest with the board of equalization, objecting to~~
23 ~~the valuation of the land as placed on the property by the tax~~
24 ~~assessor, setting forth his or her ground of objection to the~~
25 ~~assessed value of the property as fixed by the tax assessor,~~
26 ~~and the board of equalization shall, thereafter, fix a day for~~
27 ~~hearing the protest by giving to the tax assessor and party~~



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1 ~~desiring to redeem, his or her agents, or attorney, at least~~
2 ~~10 days' written notice of the day and place of hearing the~~
3 ~~petition, and upon the hearing of the cause, the board of~~
4 ~~equalization shall have the right to review the assessed value~~
5 ~~of the property as fixed by the tax assessor and shall fix and~~
6 ~~determine the assessed value for each of the years subsequent~~
7 ~~to the year for which such land was sold to the state for~~
8 ~~taxes, and the board of equalization shall certify to the~~
9 ~~probate judge the assessed value of the land so fixed.~~

10 ~~(d) The redemptioner shall deposit with the probate~~
11 ~~judge the amount of money for which lands were sold for taxes,~~
12 ~~plus the amount due for subsequent years based on the~~
13 ~~assessment value as required to be fixed herein, and interest~~
14 ~~costs, and fees as provided in this section.~~

15 ~~(e) If any balance remains due to the state upon any~~
16 ~~lien arising by reason of any installment redemption the~~
17 ~~payment of which is secured under the provisions of Section~~
18 ~~40-10-141, the redemptioner shall also deposit with the~~
19 ~~probate judge the amount of the balance due upon such lien,~~
20 ~~with interest to the date of redemption.~~

21 ~~(f) If the lands sought to be redeemed, or any~~
22 ~~portion thereof, are situated in any municipality, the~~
23 ~~redemptioner shall also deposit with the probate judge the~~
24 ~~amount of any unpaid taxes assessed against the same by such~~
25 ~~municipality, and an amount equal to any municipal taxes~~
26 ~~thereon which, subsequent to the tax sale, were not assessed~~
27 ~~by reason of the fact that such land had been purchased by the~~



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1 ~~State of Alabama, plus interest which would have accrued upon~~
2 ~~such municipal taxes from the time the same would have~~
3 ~~otherwise become delinquent, which amounts, with interest,~~
4 ~~shall be treated and distributed in the same manner as taxes~~
5 ~~and interest thereon.~~



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House of Representatives

Read for the first time and re-ferred to the House of Representatives committee on Judiciary 05-MAR-19

Read for the second time and placed on the calendar 1 amendment 20-MAR-19

Read for the third time and passed as amended..... 07-MAY-19

Yeas 98, Nays 1, Abstains 2

Jeff Woodard
Clerk