

HB125 ENGROSSED



1 HB125

2 7PPYEEE-2

3 By Representatives Hulsey, Lamb, Shirey, DuBose, Rigsby,

4 Lomax, Hammett, Bolton, Gidley, Butler, Underwood

5 RFD: Judiciary

6 First Read: 06-Feb-24



HB125 Engrossed

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

A BILL
TO BE ENTITLED
AN ACT

Relating to crimes and offenses; to add Article 4B of Chapter 6 of Title 13A, commencing with Section 13A-6-85, to the Code of Alabama 1975, to provide that it is unlawful for a member of the clergy to commit certain sex acts with an individual under 19 years of age, or a protected person under 22 years of age, under certain circumstances; to provide for penalties; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Section 111.05 of the Constitution of Alabama of 2022.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Article 4B of Chapter 6 of Title 13A, commencing with Section 13A-6-85, is added to the Code of Alabama 1975, to read as follows:

§13A-6-85

For the purposes of this article the following terms have the following meanings:

(1) CHILD. A person under 19 years of age or a protected person under 22 years of age, as defined in Section 15-25-1.

(2) CLERGY MEMBER. Any of the following in a position



HB125 Engrossed

29 of trust or authority over the child: A duly ordained,
30 licensed, or commissioned minister, pastor, priest, rabbi, or
31 practitioner of any bona fide established church or religious
32 organization or any person who regularly, as a vocation,
33 devotes a substantial portion of his or her time and abilities
34 to the service of his or her church or religious organization.

35 §13A-6-86

36 (a) It shall be unlawful for a clergy member to engage
37 in sexual intercourse or sodomy, as defined in Section
38 13A-6-60, with the child. Consent is not a defense to a charge
39 under this section.

40 (b) A violation of subsection (a) is a Class B felony.

41 §13A-6-87

42 (a) (1) It shall be unlawful for a clergy member to
43 engage in sexual contact, as defined in Section 13A-6-60, with
44 the child. Consent is not a defense to a charge under this
45 section.

46 (2) A violation of subsection (a) is a Class C felony.

47 (b) (1) It shall be unlawful for a clergy member to
48 solicit, persuade, encourage, harass, or entice a child to
49 engage in a sex act including, but not limited to, sexual
50 intercourse, sodomy, or sexual contact, as defined in Section
51 13A-6-60. Consent is not a defense to a charge under this
52 section.

53 (2) A violation of subsection (b) is a Class C felony.

54 §13A-6-88

55 (a) It shall be unlawful for a clergy member to do
56 either of the following:



HB125 Engrossed

57 (1) Distribute or transmit, by any means, obscene
58 matter that depicts sexual intercourse, sexual excitement,
59 masturbation, breast nudity, genital nudity, or other sexual
60 conduct to a child.

61 (2) Solicit a child to transmit, by any means, obscene
62 matter that depicts sexual intercourse, sexual excitement,
63 masturbation, breast nudity, genital nudity, or other sexual
64 conduct to any person.

65 (b) A violation of subsection (a) is Class C felony.

66 Section 2. Although this bill would have as its purpose
67 or effect the requirement of a new or increased expenditure of
68 local funds, the bill is excluded from further requirements
69 and application under Section 111.05 of the Constitution of
70 Alabama of 2022, because the bill defines a new crime or
71 amends the definition of an existing crime.

72 Section 3. This act shall become effective immediately.



HB125 Engrossed

73
74
75

76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93

House of Representatives

Read for the first time and referred06-Feb-24
to the House of Representatives
committee on Judiciary

Read for the second time and placed14-Feb-24
on the calendar:
1 amendment

Read for the third time and passed20-Feb-24
as amended
Yeas 85
Nays 1
Abstains 12

John Treadwell
Clerk