



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

SYNOPSIS:

Under existing law, the crime of sexual misconduct includes engaging in sexual contact with another person without his or her consent in certain circumstances, or with consent where consent was obtained by the use of fraud or artifice.

This bill would include the touching of any part of the body for sexual gratification in the meaning of the term "sexual contact" for the purposes of the crime of sexual misconduct.

This bill would also make nonsubstantive, technical revisions to update the existing code language to current style.

Section 111.05 of the Constitution of Alabama of 2022, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the affected entity; or the Legislature appropriates funds, or provides a local source of revenue, to the entity for the purpose.

The purpose or effect of this bill would be to require a new or increased expenditure of local funds



29 within the meaning of the amendment. However, the bill
30 does not require approval of a local governmental
31 entity or enactment by a 2/3 vote to become effective
32 because it comes within one of the specified exceptions
33 contained in the amendment.

34

35

36

A BILL

37

TO BE ENTITLED

38

AN ACT

39

40 Relating to crimes and offenses; to amend Section
41 13A-6-65, Code of Alabama 1975; to further provide for the
42 crime of sexual misconduct; to make nonsubstantive, technical
43 revisions to update the existing code language to current
44 style; and in connection therewith would have as its purpose
45 or effect the requirement of a new or increased expenditure of
46 local funds within the meaning of Section 111.05 of the
47 Constitution of Alabama of 2022.

48

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

49

Section 1. Section 13A-6-65, Code of Alabama 1975, is
50 amended to read as follows:

51

"§13A-6-65

52

(a) A person commits the crime of sexual misconduct if
53 he or she does any of the following:

54

(1) Engages in sexual intercourse with another ~~person~~
55 individual, without his or her consent, under circumstances
56 other than those covered by Sections 13A-6-61 and 13A-6-62; or



57 with consent where consent was obtained by the use of any
58 fraud or artifice.

59 (2) Engages in sodomy with another ~~person~~individual,
60 without his or her consent, under circumstances other than
61 those covered by Sections 13A-6-63 and 13A-6-64; or with
62 consent where consent was obtained by the use of fraud or
63 artifice.

64 (3) Engages in sexual contact with another
65 ~~person~~individual, without his or her consent, under
66 circumstances other than those under Sections 13A-6-66,
67 13A-6-67, and 13A-6-69.1; or with consent where consent was
68 obtained by the use of fraud or artifice.

69 (4) For the purposes of this section, "sexual contact"
70 includes the touching of any part of the body for sexual
71 gratification.

72 (b) Sexual misconduct is a Class A misdemeanor."

73 Section 2. Although this bill would have as its purpose
74 or effect the requirement of a new or increased expenditure of
75 local funds, the bill is excluded from further requirements
76 and application under Section 111.05 of the Constitution of
77 Alabama of 2022, because the bill defines a new crime or
78 amends the definition of an existing crime.

79 Section 3. This act shall become effective on October
80 1, 2024.