

SB143 INTRODUCED



1 SB143
2 EIBBCC2-1
3 By Senators Shelnutt, Chesteen, Orr
4 RFD: Education Policy
5 First Read: 20-Feb-24



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 State Superintendent of Education may revoke the teaching certificate of an individual who has been convicted of immoral conduct or indecent behavior. The State Superintendent of Education is required to revoke the teaching certificate of an individual convicted of any Class A felony and other enumerated crimes.

This bill would add the crime of a school employee engaging in a sex act with a student to the list of enumerated crimes for which the State Superintendent of Education is required to revoke the teaching certificate of an individual upon conviction.

This bill would require a local superintendent of education to file a report with the State Superintendent of Education if a teacher or other school employee is terminated or resigns due to an allegation of misconduct which would require the State Superintendent of Education to revoke the teaching certificate of the individual if convicted.

This bill would require the principal of a school to file a report with the local superintendent of education upon receiving evidence that a teacher or school employee engaged in conduct which would require the State Superintendent of Education to revoke the



SB143 INTRODUCED

29 teaching certificate of the individual if convicted.

30 This bill would require teachers and other
31 school employees to immediately report to their
32 principal any evidence that a teacher or school
33 employee engaged in misconduct which would require the
34 State Superintendent of Education to revoke the
35 teaching certificate of the individual if convicted.

36 This bill would also provide a criminal penalty
37 for knowingly failing to file a report with the intent
38 to conceal an allegation of misconduct that is required
39 to be reported.

40 Section 111.05 of the Constitution of Alabama of
41 2022, prohibits a general law whose purpose or effect
42 would be to require a new or increased expenditure of
43 local funds from becoming effective with regard to a
44 local governmental entity without enactment by a 2/3
45 vote unless: it comes within one of a number of
46 specified exceptions; it is approved by the affected
47 entity; or the Legislature appropriates funds, or
48 provides a local source of revenue, to the entity for
49 the purpose.

50 The purpose or effect of this bill would be to
51 require a new or increased expenditure of local funds
52 within the meaning of the section. However, the bill
53 does not require approval of a local governmental
54 entity or enactment by a 2/3 vote to become effective
55 because it comes within one of the specified exceptions
56 contained in the section.



SB143 INTRODUCED

57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84

A BILL
TO BE ENTITLED
AN ACT

Relating to public K-12 education; to amend Section 16-23-5, Code of Alabama 1975, to provide further for the revocation of a teaching certificate; to require the reporting of certain misconduct; to provide a criminal penalty for a knowing violation; 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. Section 16-23-5, Code of Alabama 1975, is amended to read as follows:

"§16-23-5

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

(b) The State Superintendent of Education shall immediately revoke any certificate issued under this chapter



SB143 INTRODUCED

85 when the holder is convicted of capital murder or any Class A
86 felony, including, but not limited to, rape, murder,
87 kidnapping, or robbery, or any of the following:

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

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

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

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

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

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

100 (7) Violation of the Alabama Child Pornography Act,
101 pursuant to Section 13A-12-191, 13A-12-192, 13A-12-196, or
102 13A-12-197.

103 (8) Kidnapping a minor, except by a parent, in the
104 first or second degree, pursuant to Section 13A-6-43 or
105 13A-6-44.

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

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

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

112 (12) Electronic solicitation of a child or facilitating



SB143 INTRODUCED

113 the online solicitation of a child, pursuant to Section
114 13A-6-122 or 13A-6-123.

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

118 (14) Any violation of Article 4A of Chapter 6 of Title
119 13A involving a school employee and a student.

120 ~~(14)~~ (15) Any solicitation, attempt, or conspiracy to
121 commit any of the offenses listed ~~in subdivisions (1) to (13),~~
122 ~~inclusive~~ under this subsection.

123 ~~(15)~~ (16) Any crime committed in any state or a federal,
124 military, or foreign jurisdiction which, if committed in this
125 state under the law existing at the time of the offense, would
126 constitute an offense listed ~~in subdivisions (1) to (13),~~
127 ~~inclusive~~ under this subsection.

128 ~~(16)~~ (17) Any criminal sex offense in which the victim
129 is a child under ~~the age of 12~~ years of age or any offense
130 involving child pornography.

131 ~~(17)~~ (18) Any crime committed in any jurisdiction which,
132 regardless of the specific description or statutory elements,
133 may be characterized or known as rape, sodomy, sexual assault,
134 sexual battery, sexual abuse, sexual torture, solicitation of
135 a child, enticing or luring a child, child pornography, lewd
136 and lascivious conduct, taking indecent liberties with a
137 child, or molestation of a child.

138 ~~(18)~~ (19) Any crime not listed in this subsection
139 involving endangerment to the health, safety, or welfare of a
140 child that may be created on or after March 31, 2010.



SB143 INTRODUCED

141 (c) A local superintendent of education shall file a
142 report with the State Superintendent of Education within seven
143 business days after the date of any of the following:

144 (1) The employment of a teacher or employee of the
145 local board of education is terminated or administratively
146 suspended and there is evidence that the teacher or employee
147 engaged in any misconduct described in subsection (b).

148 (2) A teacher or employee of the local board of
149 education resigns and there is evidence that the teacher or
150 employee engaged in any misconduct described in subsection
151 (b).

152 (3) An individual applied for a job with the local
153 board of education and there is evidence that the individual
154 engaged in any misconduct described in subsection (b).

155 (d) (1) A principal shall file a report with the local
156 superintendent of education within 72 hours after the date of
157 any of the following:

158 a. The termination, suspension, or resignation of
159 employment of a teacher or school employee following an
160 alleged incident of misconduct described in subsection (b).

161 b. The receipt of a report or other evidence alleging
162 an incident of misconduct described in subsection (b) against
163 a teacher, principal or other administrator, or other school
164 employee.

165 (2) The local superintendent of education shall furnish
166 copies of the report to members of the local board of
167 education and the county sheriff.

168 (e) Public K-12 teachers and other school employees



SB143 INTRODUCED

169 shall immediately report to the principal any evidence of an
170 incident of misconduct described in subsection (b) involving a
171 teacher or school employee of which they have knowledge. The
172 teacher or school employee shall assist the principal in the
173 preparation of the report required in subsection (d).

174 (f) A teacher, principal, or other school employee who,
175 in good faith, reports an incident of misconduct described in
176 subsection (b) to the appropriate authorities shall be immune
177 from civil or criminal liability arising from the report.

178 (g) An individual who is required to file a report
179 under this section, and who knowingly fails to file the report
180 by the date required by this section with the intent to
181 conceal the criminal record or alleged incident of misconduct,
182 is guilty of a Class C felony."

183 Section 2. Although this bill would have as its purpose
184 or effect the requirement of a new or increased expenditure of
185 local funds, the bill is excluded from further requirements
186 and application under Section 111.05 of the Constitution of
187 Alabama of 2022, because the bill defines a new crime or
188 amends the definition of an existing crime.

189 Section 3. This act shall become effective on October
190 1, 2024.