

SB81 INTRODUCED



1 SB81
2 EMBH2C2-1
3 By Senators Kelley, Beasley, Kitchens
4 RFD: Judiciary
5 First Read: 04-Feb-25



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SYNOPSIS:

Under existing law, it is unlawful for certain employees to engage in sexual conduct with a person in the custody of the Department of Corrections, the Department of Youth Services, a sheriff, a county, or a municipality.

This bill would make it unlawful for any person who has access to a person in custody by virtue of his or her profession to engage in sexual conduct with a person in the custody of the Department of Corrections, the Department of Youth Services, a sheriff, a county, or a municipality.

A BILL
TO BE ENTITLED
AN ACT

Relating to custodial sexual misconduct; to amend Section 14-11-31, Code of Alabama 1975, to prohibit any person who has access to a person in custody by virtue of his or her profession to engage in sexual conduct with a person who is in the custody of the Department of Corrections, the Department of Youth Services, a sheriff, a county, or a municipality.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:



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29 Section 1. Section 14-11-31, Code of Alabama 1975, is
30 amended to read as follows:

31 "§14-11-31

32 (a) It shall be unlawful for any person who has access
33 to a person in custody by virtue of his or her profession or
34 any employee to engage in sexual conduct with a person who is
35 in the custody of the Department of Corrections, the
36 Department of Youth Services, a sheriff, a county, or a
37 municipality.

38 (b) It shall be unlawful for any probation or parole
39 officer to engage in sexual conduct with a person who is under
40 the supervisory, disciplinary, or custodial authority of the
41 officer engaging in the sexual conduct with the person.

42 (c) Any person violating subsection (a) or (b) ~~shall~~,
43 upon conviction, shall be guilty of custodial sexual
44 misconduct.

45 (d) Custodial sexual misconduct is a Class C felony.

46 (e) For purposes of this article, the consent of the
47 person in custody of the Department of Corrections, the
48 Department of Youth Services, a sheriff, a county, or a
49 municipality, or a person who is on probation or on parole,
50 shall not be a defense to a prosecution under this article."

51 Section 2. This act shall become effective on October
52 1, 2025.