



House Judiciary Reported Substitute for SB70

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A BILL
TO BE ENTITLED
AN ACT

Relating to crimes and offenses; to amend Section 13A-6-111, Code of Alabama 1975; to further provide for the crime of transmitting obscene material to a child by computer.
BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 13A-6-111, Code of Alabama 1975, is amended to read as follows:

"§13A-6-111

(a) A person is guilty of transmitting obscene material to a child if the person transmits, by means of any computer communication system allowing the input, output, examination, or transfer of computer programs from one computer to another, material which, in whole or in part, depicts ~~actual or simulated nudity, sexual conduct, or sadomasochistic abuse sexually explicit conduct, as defined in Section 13A-12-190, including a virtually indistinguishable depiction~~, for the purpose of initiating or engaging in sexual acts with the child or an individual the person believes to be a child.

(b) For the purposes of this section, a "child" includes any person under 17 years of age.

(c) For the purposes of this section, the phrase



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29 "virtually indistinguishable depiction" means a visual
30 depiction created, altered, or produced by digital,
31 computer-generated, or other means that a reasonable person
32 would conclude is of an actual individual engaged in sexually
33 explicit conduct.

34 (d) For purposes of determining jurisdiction, the
35 offense is committed in this state if the transmission that
36 constitutes the offense either originates in this state or is
37 received in this state.

38 (d) (e) A person charged under this section shall be
39 tried as an adult and the record of the proceeding shall not
40 be sealed nor subject to expungement.

41 (f) (e) ~~Transmitting obscene material of engaging in~~
42 ~~sexual intercourse, sodomy, or to engage in a sexual~~
43 ~~performance, obscene sexual performance, or sexual conduct for~~
44 ~~his or her benefit to a child~~ A violation of this section is a
45 Class B felony."

46 Section 2. This act shall become effective on October
47 1, 2026.