

HB41 ENROLLED



1 HB41
2 V7WD4PP-2
3 By Representatives Simpson, Ledbetter, Whitt, Garrett, Lee,
4 Marques, Reynolds, Blackshear, Hulsey, Hammett, Lovvorn,
5 Underwood, Crawford, Paramore, Easterbrook, Brinyark,
6 Yarbrough, Shaver, DuBose, Ingram, Lamb, Carns, Stringer,
7 Treadaway, Bedsole, Butler, Wilcox, Oliver, Ross, Mooney,
8 Sells, Robertson, Shirey, Bolton, Givens, Colvin, Standridge,
9 Wood (R), Kiel, Stubbs, Paschal, Brown, Robbins, Stadthagen,
10 Estes, Rigsby, Shaw, Hurst, Starnes, Holk-Jones, Kirkland,
11 Gidley
12 RFD: Judiciary
13 First Read: 13-Jan-26
14 PFD: 28-Aug-25



1 Enrolled, An Act,

2 Relating to crimes and offenses; to amend Sections
3 13A-5-40, 13A-6-61, 13A-6-63, and 13A-6-65.1, Code of Alabama
4 1975; to revise the criminal penalties for violations of rape
5 in the first degree, sodomy in the first degree, and sexual
6 torture when the victim is less than 12 years of age.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8 Section 1. This act shall be known and may be cited as
9 the "Child Predator Death Penalty Act."

10 Section 2. Sections 13A-5-40, 13A-6-61, 13A-6-63, and
11 13A-6-65.1, Code of Alabama 1975, are amended to read as
12 follows:

13 "§13A-5-40

14 (a) The following are capital offenses:

15 (1) Murder by the defendant during a kidnapping in the
16 first degree or an attempt thereof committed by the defendant.

17 (2) Murder by the defendant during a robbery in the
18 first degree or an attempt thereof committed by the defendant.

19 (3) Murder by the defendant during a rape in the first
20 or second degree or an attempt thereof committed by the
21 defendant; or murder by the defendant during sodomy in the
22 first or second degree or an attempt thereof committed by the
23 defendant.

24 (4) Murder by the defendant during a burglary in the
25 first or second degree or an attempt thereof committed by the
26 defendant.

27 (5) Murder of any police officer, sheriff, deputy,
28 state trooper, federal law enforcement officer, or any other



29 state or federal peace officer of any kind, or prison or jail
30 guard, while the officer or guard is on duty, regardless of
31 whether the defendant knew or should have known the victim was
32 an officer or guard on duty, or because of some official or
33 job-related act or performance of the officer or guard.

34 (6) Murder committed while the defendant is under
35 sentence of life imprisonment.

36 (7) Murder done for a pecuniary or other valuable
37 consideration or pursuant to a contract or for hire.

38 (8) Murder by the defendant during sexual abuse in the
39 first or second degree or an attempt thereof committed by the
40 defendant.

41 (9) Murder by the defendant during arson in the first
42 or second degree committed by the defendant; or murder by the
43 defendant by means of explosives or explosion.

44 (10) Murder wherein two or more persons are murdered by
45 the defendant by one act or pursuant to one scheme or course
46 of conduct.

47 (11) Murder by the defendant when the victim is a state
48 or federal public official or former public official and the
49 murder stems from or, is caused by or is related to his or
50 her official position, act, or capacity.

51 (12) Murder by the defendant during the act of
52 unlawfully assuming control of any aircraft by use of threats
53 or force with intent to obtain any valuable consideration for
54 the release of the aircraft or any passenger or crewmen
55 crewmember thereon, to direct the route or movement of the
56 aircraft, or otherwise exert control over the aircraft.



71 (15) Murder when the victim is less than ~~fourteen~~ 14
72 years of age.

76 (17) Murder committed by or through the use of a deadly
77 weapon while the victim is in a vehicle.

80 (19) Murder by the defendant where a court had issued a
81 protective order for the victim, against the defendant,
82 pursuant to ~~Section 30-5-1 et seq.~~Chapter 5 of Title 30, or
83 the protective order was issued as a condition of the
84 defendant's pretrial release.



91 (21) Murder when the victim is a first responder who is
92 operating in an official capacity. For the purposes of this
93 subdivision, "first responder" includes emergency medical
94 services personnel licensed by the Alabama Department of
95 Public Health and firefighters and volunteer firefighters as
96 defined by Section 36-32-1.

103 (b) Except as specifically provided to the contrary in
104 the last part of subdivision (a)(13), the terms "murder" and
105 "murder by the defendant" as used in this section to define
106 capital offenses mean murder as defined in Section
107 13A-6-2(a)(1), but not as defined in Section 13A-6-2(a)(2) and
108 (3). Subject to the provisions of Section 13A-5-41, murder as
109 defined in Section 13A-6-2(a)(2) and (3), as well as murder as
110 defined in Section 13A-6-2(a)(1), may be a lesser included
111 offense of the capital offenses defined in subsection (a).

112 (c) A defendant who does not personally commit the act



113 of killing which constitutes the murder is not guilty of a
114 capital offense defined in subsection (a) unless that
115 defendant is legally accountable for the murder because of
116 complicity in the murder itself under the provisions of
117 Section 13A-2-23, in addition to being guilty of the other
118 elements of the capital offense as defined in subsection (a).

119 (d) To the extent that a crime other than murder is an
120 element of a capital offense defined in subsection (a), a
121 defendant's guilt of that other crime may also be established
122 under Section 13A-2-23. When the defendant's guilt of that
123 other crime is established under Section 13A-2-23, that crime
124 shall be deemed to have been "committed by the defendant"
125 within the meaning of that phrase as it is used in subsection
126 (a)."

127 "§13A-6-61

128 (a) A person commits the crime of rape in the first
129 degree if he or she does any of the following:

130 (1) Engages in sexual intercourse with another person
131 by forcible compulsion.

132 (2) Engages in sexual intercourse with another person
133 who is incapable of consent by reason of being incapacitated.

134 (3) Being 16 years old of age or older, engages in
135 sexual intercourse with another person who is less than 12
136 years old of age.

137 (b) Rape in the first degree is a Class A felony;
138 provided, that the punishment for a violation of subdivision
139 (a) (3) shall be as determined and fixed as provided in Article
140 2 of Chapter 5. Any defendant sentenced to life imprisonment



141 on a capital offense must serve a minimum of 30 years, day for
142 day, prior to his or her first consideration of parole."

143 "§13A-6-63

144 (a) A person commits the crime of sodomy in the first
145 degree if he or she does any of the following:

146 (1) Engages in sodomy with another person by forcible
147 compulsion.

148 (2) Engages in sodomy with another person who is
149 incapable of consent by reason of being incapacitated.

150 (3) Being 16 years old of age or older, engages in
151 sodomy with a person who is less than 12 years old of age.

152 (b) Sodomy in the first degree is a Class A felony;
153 provided, that the punishment for a violation of subdivision
154 (a) (3) shall be as determined and fixed as provided in Article
155 2 of Chapter 5. Any defendant sentenced to life imprisonment
156 on a capital offense must serve a minimum of 30 years, day for
157 day, prior to his or her first consideration of parole."

158 "§13A-6-65.1

159 (a) A person commits the crime of sexual torture if he
160 or she does any of the following:

161 (1) Penetrates the vagina, anus, or mouth of another
162 person with an inanimate object, by forcible compulsion, with
163 the intent to sexually torture, sexually abuse, or to gratify
164 the sexual desire of either party.

165 (2) Penetrates the vagina, anus, or mouth of a person
166 who is incapable of consent by reason of being incapacitated,
167 with an inanimate object, with the intent to sexually torture,
168 sexually abuse, or to gratify the sexual desire of either



169 party.

170 (3) Penetrates the vagina, anus, or mouth of a person
171 who is less than 12 years old of age, with an inanimate object,
172 by a person who is 16 years old of age or older with the
173 intent to sexually torture, sexually abuse, or to gratify the
174 sexual desire of either party.

175 (4) By inflicting physical injury, including, but not
176 limited to, burning, crushing, wounding, mutilating, or
177 assaulting the sex organs or intimate parts of another person,
178 with the intent to sexually torture, sexually abuse, or to
179 gratify the sexual desire of either party.

180 (b) The crime of sexual torture is a Class A felony;
181 provided, that the punishment for a violation of subdivision
182 (a) (3) shall be as determined and fixed as provided in Article
183 2 of Chapter 5. Any defendant sentenced to life imprisonment
184 on a capital offense must serve a minimum of 30 years, day for
185 day, prior to his or her first consideration of parole."

186 Section 3. This act shall become effective on October
187 1, 2026.



HB41 Enrolled

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199 Speaker of the House of Representatives
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204 President and Presiding Officer of the Senate
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207 House of Representatives
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209 I hereby certify that the within Act originated in and
210 was passed by the House 27-Jan-26.

212 John Treadwell
213 Clerk
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219 Senate

05-Feb-26

Passed

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