



1 SB203

2 ZQPI8KW-2

3 By Senators Figures, Chambliss, Hatcher, Coleman, Singleton,
4 Stewart, Bell, Kelley, Chesteen, Price, Williams, Weaver,
5 Elliott, Hovey, Waggoner, Kitchens, Carnley, Givhan, Melson,
6 Sessions, Jones, Smitherman, Woods, Beasley, Livingston,
7 Butler, Gudger, Stutts, Allen, Roberts, Albritton

8 RFD: Judiciary

9 First Read: 21-Jan-26



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A BILL

TO BE ENTITLED

AN ACT

Relating to criminal law and procedure; to amend
ns 13A-6-43, 13A-6-44, 13A-6-68, 13A-6-111, 13A-6-124,
A-6-243, Code of Alabama 1975, to further provide for
firmative defenses to offenses of kidnapping in the
and second degrees; to expand the offenses of indecent
re, directing a child to engage in sexual intercourse or
, traveling to meet a child for an unlawful sex act, and
ing a child to engage in sexual contact to include
onal child victims; to further provide for the offense
nsmitting obscene material to a child by computer to
y that the offense may be consummated if undercover
are involved; to amend Sections 15-20A-5 and 15-25-31,
f Alabama 1975, to further define the term "sex offense"
lude voyeurism; to further provide for the admissibility
-of-court statements made by children; to establish the
of inpatient custodial sexual misconduct and provide
al penalties for a violation; to amend Section
148, Code of Alabama 1975, to further provide for the
a certified facility dog in court proceedings; to amend
ns 15-20A-6 and 15-20A-44, Code of Alabama 1975, to make



29 conforming changes; to amend Sections 26-14-3, Code of Alabama
30 1975, to further provide for the circumstances when a
31 mandatory reporter must submit a report to a duly constituted
32 authority; to further provide for the timeline of submitting
33 reports; to provide an enhanced penalty for subsequent
34 violations; to further provide for the commencement of
35 prosecution; and to make nonsubstantive, technical revisions
36 to update the existing code language to current style.

37 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

38 Section 1. Sections 13A-6-43, 13A-6-44, 13A-6-68,
39 13A-6-111, 13A-6-124, and 13A-6-243, Code of Alabama 1975, are
40 amended to read as follows:

41 "§13A-6-43

42 (a) A person commits the crime of kidnapping in the
43 first degree if he or she abducts another person with intent
44 to do any of the following:

45 (1) Hold him or her for ransom or reward; ~~or~~.

46 (2) Use him or her as a shield or hostage; ~~or~~.

47 (3) Accomplish or aid the commission of any felony or
48 flight therefrom; ~~or~~.

49 (4) Inflict physical injury upon him or her, or to
50 violate or abuse him or her sexually; ~~or~~.

51 (5) Terrorize him or her or a third person; ~~or~~.

52 (6) Interfere with the performance of any governmental
53 or political function.

54 (b) A person does not commit the crime of kidnapping in
55 the first degree if he voluntarily releases the victim alive,
56 and not suffering from serious physical injury, in a safe



57 place prior to apprehension. The burden of injecting the issue
58 of voluntary safe release is on the defendant, but this does
59 not shift the burden of proof. This subsection does not apply
60 to a prosecution for or preclude a conviction of kidnapping in
61 the second degree or any other crime.

62 ~~(e)~~ (b) Kidnapping in the first degree is a Class A
63 felony."

64 "§13A-6-44

65 (a) A person commits the crime of kidnapping in the
66 second degree if he or she abducts another person using, or
67 with the intent to use, deception, physical force, or deadly
68 physical force.

69 ~~(b) A person does not commit a crime under this section~~
70 ~~if:~~

71 ~~(1) The abduction is not coupled with intent to use or~~
72 ~~to threaten to use deadly force,~~

73 ~~(2) The actor is a relative of the person abducted, and~~

74 ~~(3) The~~ (b) (1) It is an affirmative defense to a
75 violation of this section if the actor's sole purpose is to
76 assume lawful control of that person.

77 (2) The burden of injecting the issue of defense under
78 this subsection is on the defendant, but this does not shift
79 the burden of proof.

80 (c) Kidnapping in the second degree is a Class B
81 felony."

82 "§13A-6-68

83 (a) A person commits the crime of indecent exposure if,
84 with intent to arouse or gratify sexual desire of himself or



85 herself, or of any person other than his or her spouse, he or
86 she exposes his or her genitals under circumstances in which
87 he or she knows the conduct is likely to cause affront or
88 alarm.

89 (b) (1) Indecent exposure is a Class A misdemeanor
90 ~~except a third or subsequent conviction shall be.~~

91 (2) Notwithstanding subdivision (1), indecent exposure
92 is a Class C felony under either of the following
93 circumstances:

94 a. If any victim of the offense is under 12 years of
95 age.

96 b. If the person has two or more prior convictions
97 under this article."

98 "§13A-6-111

99 (a) A person is guilty of transmitting obscene material
100 to a child if the person transmits to a child, or another
101 person believed by the defendant to be a child, by means of
102 any cellular device, online application, computer
103 communication system allowing the input, output, examination,
104 or transfer of computer programs from one computer to another,
105 or any other electronic means, material which, in whole or in
106 part, depicts actual or simulated nudity, sexual conduct, or
107 sadomasochistic abuse, for the purpose of initiating or
108 engaging in sexual acts sexual conduct pursuant to Section
109 13A-12-200.1, sexual performance, or a sex offense pursuant to
110 Section 15-20A-5 with the child.

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



113 (c) For purposes of determining jurisdiction, the
114 offense is committed in this state if the transmission that
115 constitutes the offense either originates in this state or is
116 received in this state and shall be considered to be committed
117 in any county in which any part of the crime took place or in
118 the county of residence of the victim or defendant.

119 (d) A person charged under this section shall be tried
120 as an adult and the record of the proceeding shall not be
121 sealed nor subject to expungement.

122 (e) It shall not be a defense to prosecution under this
123 section that an undercover operative or law enforcement
124 officer was involved in the detection and investigation of an
125 offense.

126 (f) (e) Transmitting obscene material of engaging in
127 sexual intercourse, sodomy, or to engage in a sexual
128 performance, obscene sexual performance, or sexual conduct for
129 his or her benefit to a child. A violation of this section is a
130 Class B felony."

131 "§13A-6-124

132 (a) Any person who travels either within this state, to
133 this state, or from this state by any means, who attempts to
134 do so, or who knowingly causes another to do so or to attempt
135 to do so for the purpose of engaging in any unlawful sex act
136 with a child, or another person believed by the defendant to
137 be a child, including sexual intercourse, sodomy, a sexual
138 conduct pursuant to Section 13A-12-200.1, sexual performance,
139 obscene sexual performance, or other sexual conduct or a sex
140 offense pursuant to Section 15-20A-5 for his or her benefit or



141 for the benefit of another shall be guilty of traveling to
142 meet a child for an unlawful sex act.

143 (b) Any person who violates this section commits a
144 Class A felony. ~~Notwithstanding any law to the contrary, a~~
145 ~~conviction under this section shall be considered a criminal~~
146 ~~sex offense under Section 15-20-21."~~

147 "§13A-6-243

148 (a) (1) A person commits the crime of directing a child
149 to engage in sexual intercourse or sodomy if he or she
150 knowingly entices, allures, persuades, induces, or directs any
151 ~~person under the age of 12 years~~ of the following to engage in
152 sexual intercourse or sodomy with another person:

153 a. A child under 12 years of age.
154 b. A child 12 or more years of age, but less than 16
155 years of age, provided the child is two or more years younger
156 than the other person.

157 (2) Directing a child to engage in sexual intercourse
158 or sodomy is a Class A felony.

159 (b) (1) A person commits the crime of directing a child
160 to engage in sexual contact if he or she knowingly entices,
161 allures, persuades, induces, or directs any ~~person under the~~
162 ~~age of 12 years~~ of the following to engage in sexual contact
163 with another person:

164 a. A child under 12 years of age.
165 b. A child 12 or more years of age, but less than 16
166 years of age, provided the child is two or more years younger
167 than the other person.

168 (2) ~~A violation of this section~~ Directing a child to



169 engage in sexual contact is a Class B felony."

170 Section 2. It shall not be a defense to prosecution
171 under Article 6 of Chapter 6 of Title 13A, Code of Alabama
172 1975, that an undercover operative or law enforcement officer
173 was involved in the detection and investigation of an offense.

174 Section 3. Sections 15-20A-5 and 15-25-31, Code of
175 Alabama 1975, are amended to read as follows:

176 "§15-20A-5

177 For the purposes of this chapter, a sex offense
178 includes any of the following offenses:

179 (1) Rape in the first degree, as provided by Section
180 13A-6-61.

181 (2) Rape in the second degree, as provided by Section
182 13A-6-62. A juvenile sex offender adjudicated delinquent of a
183 violation of rape in the second degree is presumed to be
184 exempt from this chapter after the juvenile has been counseled
185 on the dangers of the conduct for which he or she was
186 adjudicated delinquent unless the sentencing court makes a
187 determination that the juvenile sex offender is to be subject
188 to this chapter.

189 (3) Sodomy in the first degree, as provided by Section
190 13A-6-63.

191 (4) Sodomy in the second degree, as provided by Section
192 13A-6-64. A juvenile sex offender adjudicated delinquent of a
193 violation of sodomy in the second degree is presumed to be
194 exempt from this chapter after the juvenile has been counseled
195 on the dangers of the conduct for which he or she was
196 adjudicated delinquent unless the sentencing court makes a



197 determination that the juvenile sex offender is to be subject
198 to this chapter.

199 (5) Sexual misconduct, as provided by Section 13A-6-65,
200 provided that on a first conviction or adjudication the sex
201 offender is only subject to registration and verification
202 pursuant to this chapter. On a second or subsequent conviction
203 or adjudication of a sex offense, if the second or subsequent
204 conviction or adjudication does not arise out of the same set
205 of facts and circumstances as the first conviction or
206 adjudication of a sex offense, the sex offender shall comply
207 with all requirements of this chapter. A juvenile sex offender
208 adjudicated delinquent of a violation of sexual misconduct is
209 presumed to be exempt from this chapter after the juvenile has
210 been counseled on the dangers of the conduct for which he or
211 she was adjudicated delinquent unless the sentencing court
212 makes a determination that the juvenile sex offender is to be
213 subject to this chapter.

214 (6) Sexual torture, as provided by Section 13A-6-65.1.

215 (7) Sexual abuse in the first degree, as provided by
216 Section 13A-6-66.

217 (8) Sexual abuse in the second degree, as provided by
218 Section 13A-6-67.

219 (9) Indecent exposure, as provided by Section 13A-6-68,
220 provided that on a first conviction or adjudication of a sex
221 offense, the sex offender is only subject to registration and
222 verification pursuant to this chapter. On a second or
223 subsequent conviction or adjudication of a sex offense, if the
224 second or subsequent conviction or adjudication does not arise



225 out of the same set of facts and circumstances as the first
226 conviction or adjudication, the sex offender shall comply with
227 all requirements of this chapter. A juvenile sex offender
228 adjudicated of a violation of indecent exposure is presumed to
229 be exempt from this chapter after the juvenile has been
230 counseled on the dangers of the conduct for which he or she
231 was adjudicated delinquent unless the sentencing court makes a
232 determination that the juvenile sex offender is to be subject
233 to this chapter.

234 (10) Enticing a child to enter a vehicle, room, house,
235 office, or other place for immoral purposes, as provided by
236 Section 13A-6-69.

237 (11) Sexual abuse of a child less than 12 years old, as
238 provided by Section 13A-6-69.1.

239 (12) Promoting prostitution in the first degree, as
240 provided by Section 13A-12-111.

241 (13) Promoting prostitution in the second degree, as
242 provided by Section 13A-12-112.

243 (14) Violation of the Alabama Child Pornography Act, as
244 provided by Section 13A-12-191, 13A-12-192, 13A-12-196, or
245 13A-12-197. A juvenile sex offender adjudicated delinquent of
246 a violation of the Alabama Child Pornography Act is presumed
247 to be exempt from this chapter after the juvenile has been
248 counseled on the dangers of the conduct for which he or she
249 was adjudicated delinquent unless the sentencing court makes a
250 determination that the juvenile sex offender is to be subject
251 to this chapter.

252 (15) Unlawful imprisonment in the first degree, as



253 provided by Section 13A-6-41, if the victim of the offense is
254 a minor, and the record of adjudication or conviction reflects
255 the intent of the unlawful imprisonment was to abuse the minor
256 sexually.

257 (16) Unlawful imprisonment in the second degree, as
258 provided by Section 13A-6-42, if the victim of the offense is
259 a minor, and the record of adjudication or conviction reflects
260 the intent of the unlawful imprisonment was to abuse the minor
261 sexually.

262 (17) Kidnapping in the first degree, as provided by
263 subdivision (4) of subsection (a) of Section 13A-6-43, if the
264 intent of the abduction is to violate or abuse the victim
265 sexually.

266 (18) Kidnapping of a minor, except by a parent,
267 guardian, or custodian, as provided by Section 13A-6-43 or
268 13A-6-44.

269 (19) Incest, as provided by Section 13A-13-3.

270 (20) Transmitting obscene material to a child by
271 computer, as provided by Section 13A-6-111.

272 (21) School employee engaging in a sex act or deviant
273 sexual intercourse with a student, or having sexual contact or
274 soliciting a sex act or sexual contact with a student, as
275 provided by Sections 13A-6-81 and 13A-6-82.

276 (22) Foster parent engaging in a sex act, having sexual
277 contact, or soliciting a sex act or sexual contact with a
278 foster child, as provided by Section 13A-6-71.

279 (23) Facilitating solicitation of unlawful sexual
280 conduct with a child, as provided by Section 13A-6-121.



281 (24) Electronic solicitation of a child, as provided by
282 Section 13A-6-122.

283 (25) Facilitating the on-line solicitation of a child,
284 as provided by Section 13A-6-123.

285 (26) Traveling to meet a child for an unlawful sex act,
286 as provided by Section 13A-6-124.

287 (27) Facilitating the travel of a child for an unlawful
288 sex act, as provided by Section 13A-6-125.

289 (28) Human trafficking in the first degree, as provided
290 by Section 13A-6-152, provided that the offense involves
291 sexual servitude.

292 (29) Human trafficking in the second degree, as
293 provided by Section 13A-6-153, provided that the offense
294 involves sexual servitude.

295 (30) Custodial sexual misconduct, as provided by
296 Section 14-11-31.

297 (31) Sexual extortion, as provided by Section
298 13A-6-241.

299 (32) Directing a child to engage in a sex act, as
300 provided in Section 13A-6-243.

303 (33)-(34) Any offense which is the same as or equivalent
304 to any offense set forth above as the same existed and was
305 defined under the laws of this state existing at the time of
306 such conviction, specifically including, but not limited to,
307 crime against nature, as provided by Section 13-1-110; rape,
308 as provided by Sections 13-1-130 and 13-1-131; carnal



309 knowledge of a woman or girl, as provided by Sections 13-1-132
310 through 13-1-135, or attempting to do so, as provided by
311 Section 13-1-136; indecent molestation of children, as defined
312 and provided by Section 13-1-113; indecent exposure, as
313 provided by Section 13-1-111; incest, as provided by Section
314 13-8-3; offenses relative to obscene prints and literature, as
315 provided by Sections 13-7-160 through 13-7-175, inclusive;
316 employing, harboring, procuring or using a girl over 10 and
317 under 18 years of age for the purpose of prostitution or
318 sexual intercourse, as provided by Section 13-7-1; seduction,
319 as defined and provided by Section 13-1-112; a male person
320 peeping into a room occupied by a female, as provided by
321 Section 13-6-6; assault with intent to ravish, as provided by
322 Section 13-1-46; and soliciting a child by computer, as
323 provided by Section 13A-6-110.

324 ~~(34)~~(35) Any solicitation, attempt, or conspiracy to
325 commit any of the offenses listed in subdivisions (1) to
326 ~~(33)~~(34), inclusive.

327 ~~(35)~~(36) Any crime committed in Alabama or any other
328 state, the District of Columbia, any United States territory,
329 or a federal, military, Indian, or foreign country
330 jurisdiction which, if it had been committed in this state
331 under the current provisions of law, would constitute an
332 offense listed in subdivisions (1) to ~~(34)~~(35), inclusive.

333 ~~(36)~~(37) Any offense specified by Title I of the
334 federal Adam Walsh Child Protection and Safety Act of 2006
335 (Pub. L. 109-248, the Sex Offender Registration and
336 Notification Act (SORNA)).



337 (37) Any crime committed in another state, the
338 District of Columbia, any United States territory, or a
339 federal, military, Indian, or foreign country jurisdiction if
340 that jurisdiction also requires that anyone convicted of that
341 crime register as a sex offender in that jurisdiction.

342 (38) Any offender determined in any jurisdiction to
343 be a sex offender shall be considered a sex offender in this
344 state.

345 (39) The foregoing notwithstanding, any crime
346 committed in any jurisdiction which, irrespective of the
347 specific description or statutory elements thereof, is in any
348 way characterized or known as rape, carnal knowledge, sodomy,
349 sexual assault, sexual battery, criminal sexual conduct,
350 criminal sexual contact, sexual abuse, continuous sexual
351 abuse, sexual torture, solicitation of a child, enticing or
352 luring a child, child pornography, lewd and lascivious
353 conduct, taking indecent liberties with a child, molestation
354 of a child, criminal sexual misconduct, video voyeurism, or
355 there has been a finding of sexual motivation.

356 (40) Any crime not listed in this section wherein
357 the underlying felony is an element of the offense and listed
358 in subdivisions (1) to (39), inclusive.

359 (41) Any other offense not provided for in this
360 section wherein there is a finding of sexual motivation as
361 provided by Section 15-20A-6."

362 "§15-25-31

363 An out-of-court statement made by a witness or a victim
364 who is a child under 12-18 years of age at the time the



365 statement is made, or by a protected person as defined in
366 Section 15-25-1, concerning an act that is a material element
367 of any crime involving a physical offense, sexual offense, or
368 violent offense, as defined in Section 15-25-39, which
369 statement is not otherwise admissible in evidence, is
370 admissible in evidence in ~~criminal~~ any court proceedings, if
371 the requirements of Section 15-25-32 are met. "

372 Section 4. (a) As used in this section, the following
373 terms have the following meanings:

374 (1) EMPLOYEE. Any individual who is an employee,
375 contractual employee, or volunteer at an inpatient or
376 residential drug rehabilitation or mental health facility and
377 who has the responsibility for the care, treatment, control,
378 or supervision of patients in the facility.

379 (2) SEXUAL CONDUCT. The term as defined in Section
380 14-11-30, Code of Alabama 1975.

381 (b) A person commits the crime of inpatient custodial
382 sexual misconduct if the person is an employee and solicits or
383 engages in sexual conduct with any other person who is a
384 patient in or committed to an inpatient or residential drug
385 rehabilitation or mental health facility.

386 (c) A violation of this section is a Class C felony.

387 (d) (1) It is the public policy of the state to prohibit
388 without exception all inpatient and residential custodial
389 sexual misconduct.

390 (2) For purposes of prosecution under this section,
391 consent is not a defense and the issue of whether a patient in
392 an inpatient or residential drug rehabilitation or mental



393 health facility consented to any sexual conduct is immaterial.

394 Section 5. Sections 12-21-148, 15-20A-6, and 15-20A-44,
395 Code of Alabama 1975, are amended to make conforming changes
396 as follows:

397 "§12-21-148

398 (a) For the purposes of this section, the following
399 terms ~~shall~~ have the following meanings:

400 (1) CERTIFIED FACILITY DOG. A trained working dog that
401 is a graduate of an assistance dog organization, a nonprofit
402 organization that sets standards of training for the health,
403 welfare, task work, and oversight for assistance dogs and
404 their handlers, and shall have at a minimum all of the
405 following:

406 a. Two years of training and must have passed the same
407 public-access test as a service dog.

408 b. Documentation showing that the certified facility
409 dog has graduated from an assistance dog organization.

410 c. A current annual certificate of health from an
411 Alabama veterinarian.

412 d. Proof of liability insurance in the minimum amount
413 of five hundred thousand dollars (\$500,000).

414 (2) CERTIFIED HANDLER. A certified handler who has
415 received training from an assistance dog organization and has
416 received training on the protocols and policies of legal
417 proceedings and the role of the certified facility dog and
418 certified handler to assure there is no interference with the
419 collection of evidence and testimony, or the administration of
420 justice.



421 (b) In a legal proceeding, to reduce the stress of a
422 witness and to enhance the ability of the court to obtain full
423 and accurate testimony, the court may allow a certified
424 facility dog to accompany a victim or witness while
425 testifying, or in other court proceedings, if a certified
426 facility dog is available.

427 (c) If the court, in its sole discretion, grants the
428 use of a certified facility dog, and a jury has been empaneled
429 in the legal proceeding, the certified facility dog shall be
430 accompanied by the certified handler to the witness stand with
431 the witness outside of the presence of the jury, and the
432 certified handler shall return to his or her position in the
433 courtroom within view of the witness stand. Subsequently, the
434 jury shall be seated and the court shall instruct the jury on
435 the presence of the certified facility dog and that the
436 presence of a certified facility dog should not create any
437 prejudice to any party.

438 (d) During trial proceedings, all precautions should be
439 taken to obscure the presence of the dog from the jury.

440 (e) Markings identifying the dog as a certified
441 facility dog while working must be visible.

442 (f) Subject to the Alabama Rules of Criminal Procedure,
443 if requested by either party in a legal proceeding, the court
444 may examine and confirm the credentials of the certified
445 facility dog and certified handler.

446 (g) Prior to the use of a certified facility dog in a
447 court proceeding, the state or moving party must file a notice
448 of intent to use the ~~registered therapy~~ certified facility



449 dog."

450 "§15-20A-6

451 (a) (1) The indictment, count in the indictment,
452 information, complaint, or warrant charging the offense may
453 include a specification of sexual motivation or the
454 prosecuting attorney may file an allegation of sexual
455 motivation in any criminal case classified as a felony or
456 Class A misdemeanor if sufficient admissible evidence exists
457 that would justify a finding of sexual motivation by a
458 reasonable and objective finder of fact.

459 (2) If a specification is included in the indictment,
460 count in the indictment, information, complaint, or warrant
461 charging the offense, the specification shall be stated at the
462 end of the body of the indictment, count in the indictment,
463 information, complaint, or warrant and shall be in
464 substantially the following form: "SPECIFICATION or
465 SPECIFICATION TO THE FIRST COUNT. The Grand Jurors (or insert
466 appropriate name) further find and specify that the offender
467 committed the offense with a sexual motivation."

468 (3) If the prosecuting attorney files an allegation of
469 sexual motivation, it shall be filed within a reasonable time
470 after indictment to give sufficient notice to the defendant.

471 (b) If the indictment, count of the indictment,
472 information, complaint, or warrant charging the offense
473 includes a specification of sexual motivation or if the
474 prosecuting attorney files an allegation of sexual motivation,
475 the state shall prove beyond a reasonable doubt that the
476 defendant committed the offense with a sexual motivation.



477 (c) The court shall make a written finding of fact, to
478 be made part of the record upon conviction or adjudication as
479 a youthful offender, of whether or not a sexual motivation was
480 present at the time of the commission of the offense unless
481 the defendant has a trial by jury.

482 (d) If a defendant has a trial by jury, the jury, if it
483 finds the defendant guilty, shall also find a special verdict
484 as to whether or not the defendant committed the crime with a
485 sexual motivation.

486 (e) If there is a finding of sexual motivation, the
487 finding shall be made part of the record of conviction or
488 adjudication.

489 (f) For purposes of this section, sexual motivation
490 means that one of the purposes for which the defendant
491 committed the crime was for the purpose of the sexual
492 gratification of the defendant.

493 (g) This section shall not apply to sex offenses as
494 defined in subdivisions (1) to ~~(40)~~(41), inclusive, of Section
495 15-20A-5."

496 "§15-20A-44

497 (a) The Secretary of the Alabama State Law Enforcement
498 Agency shall adopt rules establishing an administrative
499 hearing for persons who are only made subject to this chapter
500 pursuant to subdivision (35)(36) of Section 15-20A-5.

501 (b) The Secretary of the Alabama State Law Enforcement
502 Agency shall adopt rules setting forth a listing of offenses
503 from other jurisdictions that are to be considered criminal
504 sex offenses under subdivision ~~(35)~~(36) of Section 15-20A-5.



505 Thereafter, any individual convicted of any offense set forth
506 in the listing shall immediately be subject to this chapter
507 and shall not be entitled to an administrative hearing as
508 provided in subsection (a).

509 (c) The Secretary of the Alabama State Law Enforcement
510 Agency may adopt any rules as are necessary to implement and
511 enforce this chapter."

512 Section 6. Section 26-14-3, Code of Alabama 1975, is
513 amended to read as follows:

514

515 "§26-14-3

516 (a) ~~All hospitals, clinics, sanitariums, doctors,~~
517 ~~physicians, surgeons, medical examiners, coroners, dentists,~~
518 ~~osteopaths, optometrists, chiropractors, podiatrists, physical~~
519 ~~therapists, nurses, public and private K-12 employees, school~~
520 ~~teachers and officials, peace officers, law enforcement~~
521 ~~officials, pharmacists, social workers, day care workers or~~
522 ~~employees, mental health professionals, employees of public~~
523 ~~and private institutions of postsecondary and higher~~
524 ~~education, members of the clergy as defined in Rule 505 of the~~
525 ~~Alabama Rules of Evidence, or any other person called upon to~~
526 ~~render aid or medical assistance to any child, when the child~~
527 ~~is known or suspected to be a victim of child abuse or~~
528 ~~neglect, shall be required to report orally, either by~~
529 ~~telephone or direct communication immediately, and shall be~~
530 ~~followed by a written report, to a duly constituted~~
531 ~~authority.~~(1) An individual or entity identified in
532 subdivision (2) shall submit an oral report to a law



533 enforcement official or the Department of Human Resources
534 immediately upon knowing or suspecting that a child is a
535 victim of child abuse or neglect, receiving a report from a
536 third party that a child is or is suspected of being a victim
537 of child abuse or neglect, or obtaining any other information
538 that would lead a reasonable person to believe or suspect that
539 a child is a victim of child abuse or neglect. The individual
540 or entity shall submit an additional written report to the
541 official or department within 72 hours of the oral report.

542 (2) All of the following are subject to the
543 requirements of subdivision (1):

- 544 a. A hospital.
- 545 b. A clinic.
- 546 c. A sanitarium.
- 547 d. A doctor.
- 548 e. A physician.
- 549 f. A surgeon.
- 550 g. A medical examiner.
- 551 h. A coroner.
- 552 i. A dentist.
- 553 j. An osteopath.
- 554 k. An optometrist.
- 555 l. A chiropractor.
- 556 m. A podiatrist.
- 557 n. A physical therapist.
- 558 o. A nurse.
- 559 p. A public or private K-12 school employee.
- 560 q. A school teacher.



561 r. A school official.

562 s. A peace officer.

563 t. A law enforcement official.

564 u. A pharmacist.

565 v. A social worker.

566 w. A day care worker or employee.

567 x. A mental health professional.

568 y. An employee of a public or private institution of

569 postsecondary or higher education.

570 z. A member of the clergy as defined in Rule 505 of the

571 Alabama Rules of Evidence.

572 aa. Any other person called upon to render aid or

573 medical assistance to any child.

574 (b) (1) ~~When an initial~~ Immediately upon the receipt of

575 ~~a report is made to a law enforcement official~~ pursuant to

576 subsection (a), the law enforcement official subsequently

577 shall inform the Department of Human Resources of the report

578 so that the department can carry out its responsibility to

579 provide protective services when deemed appropriate to the

580 respective child or children.

581 (2) As soon as is practicable after the receipt of a

582 ~~report of known or suspected child abuse or neglect is made~~

583 pursuant to subsection (a), the Department of Human Resources

584 shall make efforts to determine the military status of the

585 parent or guardian of the child who is the subject of the

586 child abuse or neglect allegation.

587 (3) If the Department of Human Resources determines

588 that a parent or guardian under subdivision (2) is in the



589 military, the department shall notify a United States
590 Department of Defense family advocacy program at ~~the military~~
591 ~~installation of the parent or guardian's military~~
592 ~~installation~~ that there is an allegation of child abuse or
593 neglect that is being investigated ~~that which~~ involves a child
594 of the military parent or guardian.

595 (c) When the Department of Human Resources receives
596 initial reports of suspected abuse or neglect, ~~as defined in~~
597 ~~Section 26-14-1~~, including suspected abuse or neglect
598 involving discipline or corporal punishment committed in a
599 public or private school or suspected abuse or neglect in a
600 state-operated child residential facility, the Department of
601 Human Resources shall transmit a copy of school reports ~~to the~~
602 ~~law enforcement agency and or~~ residential facility reports to
603 the law enforcement agency and the operating state agency
604 which shall conduct the investigation. When the investigation
605 is completed, a written report of the completed investigation
606 ~~shall contain containing~~ the information required by the
607 ~~state~~State Department of Human Resources ~~which~~ shall be
608 submitted by the law enforcement agency or the state agency to
609 the county department of human resources for entry into the
610 state's central registry.

611 (d) Nothing in this chapter shall preclude interagency
612 agreements between departments of human resources, law
613 enforcement, ~~and or~~ any other state agencies on procedures for
614 investigating reports of suspected child abuse and neglect to
615 provide for departments of human resources to assist law
616 enforcement ~~and or~~ other state agencies in these



617 investigations.

618 ~~(e) Any provision of this section to the contrary~~
619 notwithstanding, if any agency or authority investigates any
620 report pursuant to this section and the report does not result
621 in a conviction, the agency or authority shall expunge any
622 record of the information or report and any data developed
623 from the record.

624 ~~(f)~~ (e) Subsection (a) to the contrary notwithstanding,
625 a member of the clergy shall not be required to report
626 information gained solely in a confidential communication
627 privileged pursuant to Rule 505 of the Alabama Rules of
628 Evidence, ~~which and the~~ communication shall continue to be
629 privileged as provided by law.

630 ~~(g)~~ (f) (1) Commencing on August 1, 2013, a public or
631 private employer who discharges, suspends, disciplines, or
632 penalizes an employee solely for reporting suspected child
633 abuse or neglect pursuant to this section shall be guilty of a
634 Class C misdemeanor.

635 (2) A violation of subdivision (1) following a previous
636 conviction for a violation of subdivision (1) shall be a Class
637 C felony.

638 (g) (1) A misdemeanor prosecution for a violation of
639 this section must be commenced within 12 months after the
640 violation was first reported to a law enforcement agency.

641 (2) A felony prosecution for a violation of this
642 section must be commenced within five years after the
643 violation was first reported to a law enforcement agency."

644 Section 7. This act shall become effective on October

SB203 Engrossed



645 1, 2026.



646
647
648 Senate

649 Read for the first time and referred 21-Jan-26
650 to the Senate committee on Judiciary
651
652 Read for the second time and placed 29-Jan-26
653 on the calendar:
654 0 amendments
655
656 Read for the third time and passed 05-Feb-26
657 as amended
658 Yeas 34
659 Nays 0
660 Abstains 0
661
662
663 Patrick Harris,
664 Secretary.
665