



House Judiciary Reported Substitute for SB203

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A BILL
TO BE ENTITLED
AN ACT

Relating to criminal law and procedure; to amend Sections 13A-6-43, 13A-6-44, 13A-6-68, 13A-6-111, 13A-6-124, and 13A-6-243, Code of Alabama 1975, to further provide for the affirmative defenses to offenses of kidnapping in the first and second degrees; to expand the offenses of indecent exposure, directing a child to engage in sexual intercourse or sodomy, traveling to meet a child for an unlawful sex act, and directing a child to engage in sexual contact to include additional child victims; to further provide for the offense of transmitting obscene material to a child by computer to specify that the offense may be consummated if undercover agents are involved; to amend Sections 15-20A-5 and 15-25-31, Code of Alabama 1975, to further define the term "sex offense" to include voyeurism; to further provide for the admissibility of out-of-court statements made by children; to establish the crime of inpatient custodial sexual misconduct and provide criminal penalties for a violation; to amend Section 12-21-148, Code of Alabama 1975, to further provide for the use of a certified facility dog in court proceedings; to amend Sections 15-20A-6 and 15-20A-44, Code of Alabama 1975, to make



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29 conforming changes; to amend Sections 26-14-3, Code of Alabam
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~~



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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



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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.



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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



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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



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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



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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



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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



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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.



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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.

301 (33) Voyeurism in the first degree, as provided in
302 Section 13A-11-41.

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



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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)).



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337 ~~(37)~~ (38) 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)~~ (39) Any offender determined in any jurisdiction to
343 be a sex offender shall be considered a sex offender in this
344 state.

345 ~~(39)~~ (40) 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)~~ (41) 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)~~ (40), inclusive.

359 ~~(41)~~ (42) 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



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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 **substance**
376 **use disorder treatment program** or **inpatient** mental health
377 facility and who has the responsibility for the care,
378 treatment, control, or supervision of patients in the
379 facility.

380 (2) PATIENT. Any individual who is a patient in an
381 **inpatient substance use disorder treatment program, where the**
382 **individual is not allowed unsupervised access to the public,**
383 **or who is committed to an inpatient mental health facility.**

384 (3) SEXUAL CONDUCT. The term as defined in Section
385 14-11-30, Code of Alabama 1975.

386 (b) A person commits the crime of inpatient custodial
387 sexual misconduct if the person is an employee and solicits or
388 engages in sexual conduct with any other person who is a
389 patient **at an inpatient substance use disorder treatment**
390 **facility** or **committed to an** inpatient mental health facility
391 **pursuant to Article 1, Chapter 52, Title 22, Code of Alabama**
392 **1975.**



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

394 (d) (1) It is the public policy of the state to prohibit
395 without exception all inpatient **custodial sexual misconduct**.

396 (2) For purposes of prosecution under this section,
397 consent is not a defense and the issue of whether a patient in
398 an inpatient **substance use disorder treatment program** or
399 **inpatient** mental health facility consented to any sexual
400 conduct is immaterial.

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

404 "§12-21-148

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

407 (1) CERTIFIED FACILITY DOG. A trained working dog that
408 is a graduate of an assistance dog organization, a nonprofit
409 organization that sets standards of training for the health,
410 welfare, task work, and oversight for assistance dogs and
411 their handlers, and shall have at a minimum all of the
412 following:

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

415 b. Documentation showing that the certified facility
416 dog has graduated from an assistance dog organization.

417 c. A current annual certificate of health from an
418 Alabama veterinarian.

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



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421 (2) CERTIFIED HANDLER. A certified handler who has
422 received training from an assistance dog organization and has
423 received training on the protocols and policies of legal
424 proceedings and the role of the certified facility dog and
425 certified handler to assure there is no interference with the
426 collection of evidence and testimony, or the administration of
427 justice.

428 (b) In a legal proceeding, to reduce the stress of a
429 witness and to enhance the ability of the court to obtain full
430 and accurate testimony, the court may allow a certified
431 facility dog to accompany a victim or witness while
432 testifying, or in other court proceedings, if a certified
433 facility dog is available.

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

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

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



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

453 (g) Prior to the use of a certified facility dog in a
454 court proceeding, the state or moving party must file a notice
455 of intent to use the ~~registered therapy~~ certified facility
456 dog."

457 "§15-20A-6

458 (a) (1) The indictment, count in the indictment,
459 information, complaint, or warrant charging the offense may
460 include a specification of sexual motivation or the
461 prosecuting attorney may file an allegation of sexual
462 motivation in any criminal case classified as a felony or
463 Class A misdemeanor if sufficient admissible evidence exists
464 that would justify a finding of sexual motivation by a
465 reasonable and objective finder of fact.

466 (2) If a specification is included in the indictment,
467 count in the indictment, information, complaint, or warrant
468 charging the offense, the specification shall be stated at the
469 end of the body of the indictment, count in the indictment,
470 information, complaint, or warrant and shall be in
471 substantially the following form: "SPECIFICATION or
472 SPECIFICATION TO THE FIRST COUNT. The Grand Jurors (or insert
473 appropriate name) further find and specify that the offender
474 committed the offense with a sexual motivation."

475 (3) If the prosecuting attorney files an allegation of
476 sexual motivation, it shall be filed within a reasonable time



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477 after indictment to give sufficient notice to the defendant.

478 (b) If the indictment, count of the indictment,
479 information, complaint, or warrant charging the offense
480 includes a specification of sexual motivation or if the
481 prosecuting attorney files an allegation of sexual motivation,
482 the state shall prove beyond a reasonable doubt that the
483 defendant committed the offense with a sexual motivation.

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

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

493 (e) If there is a finding of sexual motivation, the
494 finding shall be made part of the record of conviction or
495 adjudication.

496 (f) For purposes of this section, sexual motivation
497 means that one of the purposes for which the defendant
498 committed the crime was for the purpose of the sexual
499 gratification of the defendant.

500 (g) This section shall not apply to sex offenses as
501 defined in subdivisions (1) to ~~(40)~~ (41), inclusive, of Section
502 15-20A-5."

503 "§15-20A-44

504 (a) The Secretary of the Alabama State Law Enforcement



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505 Agency shall adopt rules establishing an administrative
 506 hearing for persons who are only made subject to this chapter
 507 pursuant to subdivision ~~(35)~~ (36) of Section 15-20A-5.

508 (b) The Secretary of the Alabama State Law Enforcement
 509 Agency shall adopt rules setting forth a listing of offenses
 510 from other jurisdictions that are to be considered criminal
 511 sex offenses under subdivision ~~(35)~~ (36) of Section 15-20A-5.
 512 Thereafter, any individual convicted of any offense set forth
 513 in the listing shall immediately be subject to this chapter
 514 and shall not be entitled to an administrative hearing as
 515 provided in subsection (a).

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

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

521

522 "§26-14-3

523 (a) ~~All hospitals, clinics, sanitariums, doctors,~~
 524 ~~physicians, surgeons, medical examiners, coroners, dentists,~~
 525 ~~osteopaths, optometrists, chiropractors, podiatrists, physical~~
 526 ~~therapists, nurses, public and private K-12 employees, school~~
 527 ~~teachers and officials, peace officers, law enforcement~~
 528 ~~officials, pharmacists, social workers, day care workers or~~
 529 ~~employees, mental health professionals, employees of public~~
 530 ~~and private institutions of postsecondary and higher~~
 531 ~~education, members of the clergy as defined in Rule 505 of the~~
 532 ~~Alabama Rules of Evidence, or any other person called upon to~~



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533 ~~render aid or medical assistance to any child, when the child~~
534 ~~is known or suspected to be a victim of child abuse or~~
535 ~~neglect, shall be required to report orally, either by~~
536 ~~telephone or direct communication immediately, and shall be~~
537 ~~followed by a written report, to a duly constituted~~
538 ~~authority.~~ (1) An individual or entity identified in
539 subdivision (2) shall submit an oral report to a law
540 enforcement official or the Department of Human Resources
541 immediately upon knowing or suspecting that a child is a
542 victim of child abuse or neglect, receiving a report from a
543 third party that a child is or is suspected of being a victim
544 of child abuse or neglect, or obtaining any other information
545 that would lead a reasonable person to believe or suspect that
546 a child is a victim of child abuse or neglect. The individual
547 or entity shall submit an additional written report to the
548 official or department within 72 hours of the oral report.

549 (2) All of the following are subject to the
550 requirements of subdivision (1):

- 551 a. A hospital.
- 552 b. A clinic.
- 553 c. A sanitarium.
- 554 d. A doctor.
- 555 e. A physician.
- 556 f. A surgeon.
- 557 g. A medical examiner.
- 558 h. A coroner.
- 559 i. A dentist.
- 560 j. An osteopath.

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- 561 k. An optometrist.
- 562 l. A chiropractor.
- 563 m. A podiatrist.
- 564 n. A physical therapist.
- 565 o. A nurse.
- 566 p. A public or private K-12 school employee.
- 567 q. A school teacher.
- 568 r. A school official.
- 569 s. A peace officer.
- 570 t. A law enforcement official.
- 571 u. A pharmacist.
- 572 v. A social worker.
- 573 w. A day care worker or employee.
- 574 x. A mental health professional.
- 575 y. An employee of a public or private institution of
- 576 postsecondary or higher education.
- 577 z. A member of the clergy as defined in Rule 505 of the
- 578 Alabama Rules of Evidence.
- 579 aa. Any other person called upon to render aid or
- 580 medical assistance to any child.
- 581 (b) (1) ~~When an initial~~ Immediately upon the receipt of
- 582 a report ~~is made to a law enforcement official~~ pursuant to
- 583 subsection (a), the law enforcement official ~~subsequently~~
- 584 shall inform the Department of Human Resources of the report
- 585 so that the department can carry out its responsibility to
- 586 provide protective services when deemed appropriate to the
- 587 respective child or children.
- 588 (2) As soon as is practicable after the receipt of a



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589 report ~~of known or suspected child abuse or neglect is~~ made
590 pursuant to subsection (a), the Department of Human Resources
591 shall make efforts to determine the military status of the
592 parent or guardian of the child who is the subject of the
593 child abuse or neglect allegation.

594 (3) If the Department of Human Resources determines
595 that a parent or guardian under subdivision (2) is in the
596 military, the department shall notify a United States
597 Department of Defense family advocacy program at ~~the military~~
598 ~~installation of~~ the parent or ~~guardian~~guardian's military
599 installation that there is an allegation of child abuse or
600 neglect that is being investigated ~~that~~ which involves a child
601 of the military parent or guardian.

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



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617 state's central registry.

618 (d) Nothing in this chapter shall preclude interagency
619 agreements between departments of human resources, law
620 enforcement, ~~and or~~ any other state agencies on procedures for
621 investigating reports of suspected child abuse and neglect to
622 provide for departments of human resources to assist law
623 enforcement ~~and or~~ other state agencies in these
624 investigations.

625 ~~(e) Any provision of this section to the contrary~~
626 ~~notwithstanding, if any agency or authority investigates any~~
627 ~~report pursuant to this section and the report does not result~~
628 ~~in a conviction, the agency or authority shall expunge any~~
629 ~~record of the information or report and any data developed~~
630 ~~from the record.~~

631 ~~(f)~~ (e) Subsection (a) to the contrary notwithstanding,
632 a member of the clergy shall not be required to report
633 information gained solely in a confidential communication
634 privileged pursuant to Rule 505 of the Alabama Rules of
635 Evidence, ~~which and the~~ communication shall continue to be
636 privileged as provided by law.

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

642 (2) A violation of subdivision (1) following a previous
643 conviction for a violation of subdivision (1) shall be a Class
644 C felony.



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

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

651 Section 7. This act shall become effective on October
652 1, 2026.

653