



House Judiciary Reported Substitute for HB125

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A BILL
TO BE ENTITLED
AN ACT

Relating to crimes and offenses; to add Article 4B of Chapter 6 of Title 13A, commencing with Section 13A-6-85, to the Code of Alabama 1975, to provide that it is unlawful for a member of the clergy to commit certain sex acts with an individual under 19 years of age, or a protected person under 22 years of age, under certain circumstances; to provide for penalties; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Section 111.05 of the Constitution of Alabama of 2022.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Article 4B of Chapter 6 of Title 13A, commencing with Section 13A-6-85, is added to the Code of Alabama 1975, to read as follows:

§13A-6-85

For the purposes of this article the following terms have the following meanings:

(1) CHILD. A person under 19 years of age or a protected person under 22 years of age, as defined in Section

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29 15-25-1.

30 (2) CLERGY MEMBER. Any of the following in a position
31 of trust or authority over **the** child: **A duly ordained,**
32 **licensed, or commissioned minister, pastor, priest, rabbi, or**
33 **practitioner of any bona fide established church or religious**
34 **organization or any person who regularly, as a vocation,**
35 **devotes a substantial portion of his or her time and abilities**
36 **to the service of his or her church or religious organization.**

37 §13A-6-86

38 (a) It shall be unlawful for a clergy member to engage
39 in sexual intercourse or sodomy, as defined in Section
40 13A-6-60, with **the** child. Consent is not a defense to a charge
41 under this section.

42 (b) A violation of subsection (a) is a Class B felony.

43 §13A-6-87

44 (a) (1) It shall be unlawful for a clergy member to
45 engage in sexual contact, as defined in Section 13A-6-60, with
46 **the** child. Consent is not a defense to a charge under this
47 section.

48 (2) A violation of subsection (a) is a Class C felony.

49 (b) (1) It shall be unlawful for a clergy member to
50 solicit, persuade, encourage, harass, or entice a child to
51 engage in a sex act including, but not limited to, sexual
52 intercourse, sodomy, or sexual contact, as defined in Section
53 13A-6-60. Consent is not a defense to a charge under this
54 section.

55 (2) A violation of subsection (b) is a Class C felony.

56 §13A-6-88



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57 (a) It shall be unlawful for a clergy member to do
58 either of the following:

59 (1) Distribute or transmit, by any means, obscene
60 matter that depicts sexual intercourse, sexual excitement,
61 masturbation, breast nudity, genital nudity, or other sexual
62 conduct to a child.

63 (2) Solicit a child to transmit, by any means, obscene
64 matter that depicts sexual intercourse, sexual excitement,
65 masturbation, breast nudity, genital nudity, or other sexual
66 conduct to any person.

67 (b) A violation of subsection (a) is Class C felony.

68 Section 2. Although this bill would have as its purpose
69 or effect the requirement of a new or increased expenditure of
70 local funds, the bill is excluded from further requirements
71 and application under Section 111.05 of the Constitution of
72 Alabama of 2022, because the bill defines a new crime or
73 amends the definition of an existing crime.

74 Section 3. This act shall become effective immediately.