HB369

149599-1

By Representative Standridge

RFD: Judiciary

First Read: 28-FEB-13
SYNOPSIS: Under existing law, a person commits the crime of a school employee having sexual contact with a student under the age of 19 years if he or she engages in sexual contact with the student.

Under existing law, sexual contact means touching of the sexual or other intimate parts of a student for sexual gratification or soliciting or harassing a student to perform a sex act.

This bill would clarify sexual contact to mean touching the sexual or other intimate parts of another person for sexual gratification in order to provide for a situation in which the school employee asks a student to initiate sexual contact.

Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local
governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of
specified exceptions; it is approved by the affected entity; or the Legislature appropriates funds, or provides a local source of revenue, to the entity for the purpose.

The purpose or effect of this bill would be to require a new or increased expenditure of local funds within the meaning of the amendment. However, the bill does not require approval of a local governmental entity or enactment by a 2/3 vote to become effective because it comes within one of the specified exceptions contained in the amendment.

A BILL
TO BE ENTITLED
AN ACT

To amend Section 13A-6-82, Code of Alabama 1975; to clarify the meaning of sexual contact for purposes of the crime of a school employee having sexual contact with a student under the age of 19 years; 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 Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.
BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 13A-6-82, Code of Alabama 1975, is amended to read as follows:

"§13A-6-82.

(a) A person commits the crime of a school employee having sexual contact with a student under the age of 19 years if he or she is a school employee and engaging in sexual contact with a student, regardless of whether the student is male or female. Consent is not a defense to a charge under this section.

(b) As used in this section, sexual contact means any touching of the sexual or other intimate parts of a student another person, done for the purpose of gratifying the sexual desire of either party. The term includes soliciting or harassing a student to perform a sex act.

(c) The crime of a school employee having sexual contact with a student is a Class A misdemeanor."

Section 2. Although this bill would have as its purpose or effect the requirement of a new or increased expenditure of local funds, the bill is excluded from further requirements and application under Amendment 621, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, because the bill defines a new crime or amends the definition of an existing crime.
Section 3. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.