

1 HB240  
2 208460-2  
3 By Representative Shaver  
4 RFD: Judiciary  
5 First Read: 02-FEB-21  
6 PFD: 02/01/2021

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2 ENROLLED, An Act,

3           Relating to crimes and offenses; to amend Section  
4 13A-6-82.1, Code of Alabama 1975, to provide that it shall be  
5 illegal for a teacher to solicit a student to send obscene  
6 material to any person; and in connection therewith would have  
7 as its purpose or effect the requirement of a new or increased  
8 expenditure of local funds within the meaning of Amendment 621  
9 of the Constitution of Alabama of 1901, now appearing as  
10 Section 111.05 of the Official Recompilation of the  
11 Constitution of Alabama of 1901, as amended.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13           Section 1. Section 13A-6-82.1, Code of Alabama 1975,  
14 is amended to read as follows:

15           "§13A-6-82.1.

16           "(a) It shall be unlawful for a school employee to  
17 do either of the following:

18           "(1) (a) A person commits the crime of school  
19 employee distributing obscene material to a student if he or  
20 she is a school employee and distributes or transmits  
21 Distribute or transmit, by any means, obscene matter that  
22 depicts sexual intercourse, sexual excitement, masturbation,  
23 breast nudity, genital nudity, or other sexual conduct to a  
24 student.

1           "(2) Solicit a student to transmit, by any means,  
2 obscene matter that depicts sexual intercourse, sexual  
3 excitement, masturbation, breast nudity, genital nudity, or  
4 other sexual conduct to any person."

5           "(b) A school employee distributing or soliciting  
6 obscene material to or from a student in violation of  
7 subsection (a) is a Class A misdemeanor.

8           Section 2. Although this bill would have as its  
9 purpose or effect the requirement of a new or increased  
10 expenditure of local funds, the bill is excluded from further  
11 requirements and application under Amendment 621, now  
12 appearing as Section 111.05 of the Official Recompilation of  
13 the Constitution of Alabama of 1901, as amended, because the  
14 bill defines a new crime or amends the definition of an  
15 existing crime.

16           Section 3. This act shall become effective on the  
17 first day of the third month following its passage and  
18 approval by the Governor, or its otherwise becoming law.

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Speaker of the House of Representatives

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President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in  
and was passed by the House 07-APR-21.

Jeff Woodard  
Clerk

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Senate

17-MAY-21

Passed