

1 HB238
2 172700-4
3 By Representative Collins
4 RFD: Judiciary
5 First Read: 16-FEB-16

1
2 ENROLLED, An Act,

3 Relating to children; to add Section 13A-6-82.1, to
4 the Code of Alabama 1975, to create the crime of a school
5 employee transmitting obscene material to a student; to amend
6 13A-6-80, 13A-6-81, 13A-6-82, Code of Alabama 1975, relating
7 to sexual conduct by school employees, to further provide for
8 the crimes of sexual contact or soliciting a sex act with a
9 student; to amend Section 15-25-31, Code of Alabama 1975, to
10 provide for the admissibility of certain out-of-court
11 statements by children under the age of 12 years in certain
12 child abuse and neglect criminal proceedings; to amend Section
13 26-14-3, Code of Alabama 1975, to reference a specific
14 definition of child abuse and neglect in mandatory child abuse
15 and neglect reporting provisions; to amend Section 38-7-2,
16 Code of Alabama 1975, to revise the definition of day care
17 center; to add Section 38-7-20 to the Code of Alabama 1975, to
18 authorize an individual under 19 years of age with certain
19 credentials to work in a day care center and to count in the
20 staff-child ratio; to provide specific criminal penalties for
21 sexual offenses by foster parents against foster children; to
22 amend Section 15-20A-5, Code of Alabama 1975, as last amended
23 by Act 2015-463, to specify that a conviction of a sex offense
24 by a foster parent would subject a defendant to sex offender
25 registration; and in connection therewith would have as its

1 purpose or effect the requirement of a new or increased
2 expenditure of local funds within the meaning of Amendment 621
3 of the Constitution of Alabama of 1901, now appearing as
4 Section 111.05 of the Official ReCompilation of the
5 Constitution of Alabama of 1901, as amended.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. Section 13A-6-82.1 is added to the Code
8 of Alabama 1975, to read as follows:

9 §13A-6-82.1.

10 (a) A person commits the crime of school employee
11 distributing obscene material to a student if he or she is a
12 school employee and distributes or transmits, by any means,
13 obscene matter that depicts sexual intercourse, sexual
14 excitement, masturbation, breast nudity, genital nudity, or
15 other sexual conduct to a student.

16 (b) A school ~~employee~~ employee distributing obscene
17 material to a student is a Class A misdemeanor.

18 Section 2. Sections 13A-6-80, 13A-6-81, 13A-6-82,
19 Section 15-20A-5, Code of Alabama 1975, as last amended by Act
20 2015-463, 15-25-31, 26-14-3, and 38-7-2, Code of Alabama 1975,
21 is amended to read as follows:

22 "§13A-6-80.

23 "(a) For purposes of this article, school employee
24 includes a teacher, school administrator, student teacher,
25 safety or resource officer, coach, ~~and volunteer~~ adult

1 volunteer in a position of authority or any other school
2 employee who has contact with a student in his or her official
3 capacity as a school employee.

4 (b) For purposes of this article, a "student" is
5 defined as any person under the age of 19 years enrolled or
6 attending classes in a licensed or accredited public, private,
7 or church school that offers instruction in grades K-12,
8 regardless of whether school is in session.

9 "§13A-6-81.

10 "(a) A person commits the crime of a school employee
11 engaging in a sex act ~~or deviant sexual intercourse~~ with a
12 student ~~under the age of 19 years~~ under the age of 19 years if
13 he or she is a school employee and engages in ~~a sex act~~ sexual
14 intercourse as defined by Section 13A-6-60(1) or deviant
15 sexual intercourse as defined by 13A-6-60(2) with a student,
16 regardless of whether the student is male or female. Consent
17 is not a defense to a charge under this section.

18 ~~"(b) As used in this section, sex act means sexual~~
19 ~~intercourse with any penetration, however slight; emission is~~
20 ~~not required.~~

21 ~~"(c) As used in this section, deviant sexual~~
22 ~~intercourse means any act of sexual gratification between~~
23 ~~persons not married to each other involving the sex organs of~~
24 ~~one person and the mouth or anus of another.~~

1 ~~"(d) (b)~~ The crime of a school employee engaging in
2 a sex act ~~or deviant sexual intercourse~~ with a student is a
3 Class B felony.

4 "§13A-6-82.

5 "(a) A person commits the crime of a school employee
6 having sexual contact with a student ~~under the age of 19 years~~
7 under the age of 19 years if he or she is a school employee
8 and ~~engaging~~ engages in sexual contact, as defined by Section
9 13A-6-60(3), with a student, regardless of whether the student
10 is male or female. Consent is not a defense to a charge under
11 this section. The crime of a school employee having sexual
12 contact with a student is a Class C felony.

13 "(b) A person commits the crime of a school employee
14 soliciting a sex act with a student under the age of 19 years
15 if he or she is a school employee and solicits, persuades,
16 encourages, harasses, or entices a student to engage in a sex
17 act including, but not limited to, sexual intercourse, as
18 defined by Section 13A-6-30(1), deviate sexual intercourse, as
19 defined by Section 13A-6-30(2), or sexual contact, as defined
20 by Section 13A-6-30(3). The crime of soliciting a student to
21 perform a sex act is a Class A misdemeanor.

22 ~~"(b) As used in this section, sexual contact means~~
23 ~~any touching of the sexual or other intimate parts of a~~
24 ~~student, done for the purpose of gratifying the sexual desire~~

1 ~~of either party. The term includes soliciting or harassing a~~
2 ~~student to perform a sex act.~~

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

5 "§15-20A-5.

6 "For the purposes of this chapter, a sex offense
7 includes any of the following offenses:

8 "(1) Rape in the first degree, as provided by
9 Section 13A-6-61.

10 "(2) Rape in the second degree, as provided by
11 Section 13A-6-62.

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

14 "(4) Sodomy in the second degree, as provided by
15 Section 13A-6-64.

16 "(5) Sexual misconduct, as provided by Section
17 13A-6-65, provided that on a first conviction or adjudication
18 the sex offender is only subject to registration and
19 verification pursuant to this chapter. On a second or
20 subsequent conviction or adjudication of a sex offense, if the
21 second or subsequent conviction or adjudication does not arise
22 out of the same set of facts and circumstances as the first
23 conviction or adjudication of a sex offense, the sex offender
24 shall comply with all requirements of this chapter. The

1 sentencing court may exempt from this chapter a juvenile sex
2 offender adjudicated delinquent of sexual misconduct.

3 "(6) Sexual torture, as provided by Section
4 13A-6-65.1.

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

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

9 "(9) Indecent exposure, as provided by Section
10 13A-6-68, provided that on a first conviction or adjudication
11 of a sex offense, the sex offender is only subject to
12 registration and verification pursuant to this chapter. On a
13 second or subsequent conviction or adjudication of a sex
14 offense, if the second or subsequent conviction or
15 adjudication does not arise out of the same set of facts and
16 circumstances as the first conviction or adjudication, the sex
17 offender shall comply with all requirements of this chapter.
18 The sentencing court may exempt from this act a juvenile sex
19 offender adjudicated delinquent of indecent exposure.

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

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

1 "(12) Promoting prostitution in the first degree, as
2 provided by Section 13A-12-111.

3 "(13) Promoting prostitution in the second degree,
4 as provided by Section 13A-12-112.

5 "(14) Violation of the Alabama Child Pornography
6 Act, as provided by Section 13A-12-191, 13A-12-192,
7 13A-12-196, or 13A-12-197.

8 "(15) Unlawful imprisonment in the first degree, as
9 provided by Section 13A-6-41, if the victim of the offense is
10 a minor, and the record of adjudication or conviction reflects
11 the intent of the unlawful imprisonment was to abuse the minor
12 sexually.

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

18 "(17) Kidnapping in the first degree, as provided by
19 subdivision (4) of subsection (a) of Section 13A-6-43, if the
20 intent of the abduction is to violate or abuse the victim
21 sexually.

22 "(18) Kidnapping of a minor, except by a parent,
23 guardian, or custodian, as provided by Section 13A-6-43 or
24 13A-6-44.

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

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

3 "~~(21) School employee engaging in a sex act or~~
4 ~~deviant sexual intercourse with a student~~ having sexual
5 contact or soliciting a sex act or sexual contact with a
6 student, as provided by ~~Section~~ Sections 13A-6-81 and
7 13A-6-82.

8 ~~(22) School employee having sexual contact with a~~
9 ~~student, as provided by Section 13A-6-82~~ Foster parent
10 engaging in a sex act, having sexual contact, or soliciting a
11 sex act or sexual contact with a foster child as provided by
12 Section 4 of the act adding this subdivision.

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

15 "(24) Electronic solicitation of a child, as
16 provided by Section 13A-6-122.

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

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

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

23 "(28) Human trafficking in the first degree, as
24 provided by Section 13A-6-152, provided that the offense
25 involves sexual servitude.

1 "(29) Human trafficking in the second degree, as
2 provided by Section 13A-6-153, provided that the offense
3 involves sexual servitude.

4 "(30) Custodial sexual misconduct, as provided by
5 Section 14-11-31.

6 "(31) Any offense which is the same as or equivalent
7 to any offense set forth above as the same existed and was
8 defined under the laws of this state existing at the time of
9 such conviction, specifically including, but not limited to,
10 crime against nature, as provided by Section 13-1-110; rape,
11 as provided by Sections 13-1-130 and 13-1-131; carnal
12 knowledge of a woman or girl, as provided by Sections 13-1-132
13 through 13-1-135, or attempting to do so, as provided by
14 Section 13-1-136; indecent molestation of children, as defined
15 and provided by Section 13-1-113; indecent exposure, as
16 provided by Section 13-1-111; incest, as provided by Section
17 13-8-3; offenses relative to obscene prints and literature, as
18 provided by Sections 13-7-160 through 13-7-175, inclusive;
19 employing, harboring, procuring or using a girl over 10 and
20 under 18 years of age for the purpose of prostitution or
21 sexual intercourse, as provided by Section 13-7-1; seduction,
22 as defined and provided by Section 13-1-112; a male person
23 peeping into a room occupied by a female, as provided by
24 Section 13-6-6; assault with intent to ravish, as provided by

1 Section 13-1-46; and soliciting a child by computer, as
2 provided by Section 13A-6-110.

3 "(32) Any solicitation, attempt, or conspiracy to
4 commit any of the offenses listed in subdivisions (1) to (31),
5 inclusive.

6 "(33) Any crime committed in Alabama or any other
7 state, the District of Columbia, any United States territory,
8 or a federal, military, Indian, or foreign country
9 jurisdiction which, if it had been committed in this state
10 under the current provisions of law, would constitute an
11 offense listed in subdivisions (1) to (32), inclusive.

12 "(34) Any offense specified by Title I of the
13 federal Adam Walsh Child Protection and Safety Act of 2006
14 (Pub. L. 109-248, the Sex Offender Registration and
15 Notification Act (SORNA)).

16 "(35) Any crime committed in another state, the
17 District of Columbia, any United States territory, or a
18 federal, military, Indian, or foreign country jurisdiction if
19 that jurisdiction also requires that anyone convicted of that
20 crime register as a sex offender in that jurisdiction.

21 "(36) Any offender determined in any jurisdiction to
22 be a sex offender shall be considered a sex offender in this
23 state.

24 "(37) The foregoing notwithstanding, any crime
25 committed in any jurisdiction which, irrespective of the

1 specific description or statutory elements thereof, is in any
2 way characterized or known as rape, carnal knowledge, sodomy,
3 sexual assault, sexual battery, criminal sexual conduct,
4 criminal sexual contact, sexual abuse, continuous sexual
5 abuse, sexual torture, solicitation of a child, enticing or
6 luring a child, child pornography, lewd and lascivious
7 conduct, taking indecent liberties with a child, molestation
8 of a child, criminal sexual misconduct, video voyeurism, or
9 there has been a finding of sexual motivation.

10 "(38) Any crime not listed in this section wherein
11 the underlying felony is an element of the offense and listed
12 in subdivisions (1) to (37), inclusive.

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

16 "§15-25-31.

17 "An out-of-court statement made by a child under 12
18 years of age at the time of the ~~proceeding~~ statement is made
19 concerning an act that is a material element of any crime
20 involving child physical offense, sexual offense, and
21 exploitation, as defined in Section 15-25-39, which statement
22 is not otherwise admissible in evidence, is admissible in
23 evidence in criminal proceedings, if the requirements of
24 Section 15-25-32 are met.

25 "§26-14-3.

1 "(a) All hospitals, clinics, sanitariums, doctors,
2 physicians, surgeons, medical examiners, coroners, dentists,
3 osteopaths, optometrists, chiropractors, podiatrists, physical
4 therapists, nurses, public and private K-12 employees, school
5 teachers and officials, peace officers, law enforcement
6 officials, pharmacists, social workers, day care workers or
7 employees, mental health professionals, employees of public
8 and private institutions of postsecondary and higher
9 education, members of the clergy as defined in Rule 505 of the
10 Alabama Rules of Evidence, or any other person called upon to
11 render aid or medical assistance to any child, when the child
12 is known or suspected to be a victim of child abuse or
13 neglect, shall be required to report orally, either by
14 telephone or direct communication immediately, and shall be
15 followed by a written report, to a duly constituted authority.

16 "(b) When an initial report is made to a law
17 enforcement official, the official subsequently shall inform
18 the Department of Human Resources of the report so that the
19 department can carry out its responsibility to provide
20 protective services when deemed appropriate to the respective
21 child or children.

22 "(c) When the Department of Human Resources receives
23 initial reports of suspected abuse or neglect, as defined in
24 Section 26-14-1, including suspected abuse or neglect
25 involving discipline or corporal punishment committed in a

1 public or private school or suspected abuse or neglect in a
2 state-operated child residential facility, the Department of
3 Human Resources shall transmit a copy of school reports to the
4 law enforcement agency and residential facility reports to the
5 law enforcement agency and the operating state agency which
6 shall conduct the investigation. When the investigation is
7 completed, a written report of the completed investigation
8 shall contain the information required by the state Department
9 of Human Resources which shall be submitted by the law
10 enforcement agency or the state agency to the county
11 department of human resources for entry into the state's
12 central registry.

13 "(d) Nothing in this chapter shall preclude
14 interagency agreements between departments of human resources,
15 law enforcement, and any other state agencies on procedures
16 for investigating reports of suspected child abuse and neglect
17 to provide for departments of human resources to assist law
18 enforcement and other state agencies in these investigations.

19 "(e) Any provision of this section to the contrary
20 notwithstanding, if any agency or authority investigates any
21 report pursuant to this section and the report does not result
22 in a conviction, the agency or authority shall expunge any
23 record of the information or report and any data developed
24 from the record.

1 "(f) Subsection (a) to the contrary notwithstanding,
2 a member of the clergy shall not be required to report
3 information gained solely in a confidential communication
4 privileged pursuant to Rule 505 of the Alabama Rules of
5 Evidence which communication shall continue to be privileged
6 as provided by law.

7 "(g) Commencing on August 1, 2013, a public or
8 private employer who discharges, suspends, disciplines, or
9 penalizes an employee solely for reporting suspected child
10 abuse or neglect pursuant to this section shall be guilty of a
11 Class C misdemeanor.

12 "§38-7-2.

13 "Terms used in this chapter, unless the context
14 otherwise requires, have the meanings ascribed to them in this
15 section. When not inconsistent with the context, words used in
16 the present tense include the future, words in the singular
17 number include the plural number, and words in the plural
18 number include the singular number, and the word "shall" is
19 always mandatory and not merely directory:

20 "(1) CHILD. Any person under 19 years of age, a
21 person under the continuing jurisdiction of the juvenile court
22 pursuant to Section ~~12-15-32~~ 12-15-117, or a person under 21
23 years of age in foster care as defined by the Department of
24 Human Resources.

1 "(2) CHILD-CARE INSTITUTION or INSTITUTION FOR CHILD
2 CARE. A child-care facility where more than 10 children are
3 received and maintained for the purpose of providing them with
4 care or training or both, or transitional living program
5 services, but does not include:

6 "a. Any institution for child care which is under
7 the ownership or control, or both, of the State of Alabama, or
8 which is operated or certified or licensed by another agency
9 or department of the State of Alabama;

10 "b. Any juvenile detention home established and
11 operated by the State of Alabama;

12 "c. Any bona fide boarding school in which children
13 are primarily taught branches of education corresponding to
14 those taught in public schools, grades 1 through 12, or taught
15 in public elementary schools, high schools, or both elementary
16 and high schools.

17 "(3) CHILD-PLACING AGENCY. A public or private
18 child-care facility which receives, places, or arranges for
19 the placement of any child or children in adoptive or foster
20 family homes or other facilities for child care apart from the
21 custody of the child's or children's parents. The term
22 "child-placing agency" includes, but is not limited to, all
23 agencies established and maintained by a municipality or other
24 political subdivision of the State of Alabama to protect,
25 guard, train, or care for children outside their own homes,

1 but does not include any circuit court or juvenile court or
2 any duly appointed juvenile probation officer or youth
3 counselor of the court who receives and places children under
4 an order of the court.

5 "(4) DAY CARE CENTER. Any child-care facility
6 receiving more than 12 children for daytime care during all or
7 part of a day. The term "day care center" includes, but is not
8 limited to, facilities commonly called "child-care centers,"
9 "day nurseries," "nursery schools," "pre-kindergartens,"
10 "kindergartens," and "play groups," with or without stated
11 educational purposes. The term further includes, but is not
12 limited to, pre-kindergarten, kindergarten, or nursery schools
13 or other daytime programs operated as a part of a private
14 school and receiving children younger than lawful school age
15 for daytime care for more than four hours a day, with or
16 without stated educational purposes. The term does not include
17 any of the following:

18 "a. Kindergartens or nursery schools or other
19 daytime programs operated by public elementary systems or
20 secondary level school units or institutions of higher
21 learning.

22 "b. Kindergartens or nursery schools or other
23 daytime programs, with or without stated educational purposes,
24 operating no more than four hours a day and receiving children
25 younger than lawful school age.

1 "c. Kindergartens or nursery schools or other
2 daytime programs operated as a part of a private school and
3 receiving children younger than lawful school age for four
4 hours a day or less, with or without stated educational
5 purposes.

6 "d. Facilities operated for more than four hours a
7 day in connection with a shopping center or service or other
8 similar facility, where transient children are cared for
9 temporarily while parents or custodians of the children are
10 occupied on the premises or are in the immediate vicinity and
11 readily available. The facilities shall meet local and state
12 fire and health requirements.

13 "e. Any type of day care center that is conducted on
14 federal government premises.

15 "f. Special activities programs for children of
16 lawful school age including, but not limited to, athletics,
17 crafts instruction and similar activities conducted on an
18 organized and periodic basis by civic, charitable, and
19 governmental organizations provided local and state fire and
20 health requirements are met.

21 "(5) DAY CARE HOME. A child-care facility which is a
22 family home and which receives not more than six children for
23 care during the day.

24 "(6) DEPARTMENT. The Department of Human Resources
25 of the State of Alabama.

1 "(7) FACILITY FOR CHILD CARE or CHILD-CARE FACILITY.

2 A facility established by any person, group of persons,
3 agency, association, or organization, whether established for
4 gain or otherwise, who or which receives or arranges for care
5 or placement of one or more children, unrelated to the
6 operator of the facility, apart from the parents, with or
7 without the transfer of the right of custody, in any facility
8 as defined in this chapter, established and maintained for the
9 care of children.

10 "(8) FOSTER FAMILY HOME. A child-care facility in a
11 residence of a family where the family receives a child or
12 children, unrelated to that family, for the purpose of
13 providing family care or therapeutic family care and training,
14 or transitional living program services on a full-time basis.
15 The types of foster family homes are defined as follows:

16 "a. Boarding home. A foster family home wherein the
17 foster family receives a child or children and receives
18 payment for their care. The number of children so received
19 shall not exceed six, unless the children are of common
20 parentage.

21 "b. Free home. A foster home which does not receive
22 payment for the care of a child or children and which may or
23 may not receive the child or children for the purpose of
24 adoption.

1 "(9) GROUP DAY CARE HOME. A child-care facility
2 which is a family home and which receives at least seven but
3 no more than 12 children for care during part of the day where
4 there are at least two adults present and supervising the
5 activities.

6 "(10) GROUP HOME. A child-care facility where at
7 least seven but not more than 10 children are received and
8 maintained for the purpose of providing them with care or
9 training or both, or transitional living program services.

10 "(11) MATERNITY CENTER. A facility in which any
11 person, agency, or corporation receives or cares for one or
12 more minor pregnant girls, except that the term does not
13 include hospitals.

14 "(12) NIGHT CARE FACILITY. A child-care facility
15 which is a center or a family home receiving a child or
16 children for care during the night. A "night care facility" is
17 further defined as follows:

18 "a. Nighttime center. A facility which is
19 established to receive more than 12 children for nighttime
20 care.

21 "b. Nighttime home. A family home which receives no
22 more than six children for nighttime care.

23 "c. Group nighttime home. A child-care facility
24 which is a family home which receives at least seven but no

1 more than 12 children for nighttime care and where there are
2 at least two adults present and supervising the activities.

3 "(13) RELATED. Any of the following relationships by
4 blood, marriage, or adoption: Parent, grandparent, brother,
5 sister, stepparent, stepbrother, stepsister, half brother,
6 half sister, uncle or aunt, and their spouses.

7 "(14) TRANSITIONAL LIVING FACILITY. A child-care
8 facility or program that is designed to give opportunities to
9 practice independent living skills to eligible persons at
10 least 16 years of age and under 21 years of age in foster care
11 in a variety of residential settings with varying degrees of
12 care and supervision."

13 Section 3. Section 38-7-20 is added to the Code of
14 Alabama 1975, to read as follows:

15 §38-7-20.

16 Nothing in this chapter shall preclude an individual
17 under the age of 19 years who has graduated from a high school
18 with a Child Development Associate Credential from being
19 employed by a day care center and counted in the staff-child
20 ratio, as defined in subdivision (4) of Section 38-7-2.

21 Section 4. (a) A person commits the crime of
22 engaging in a sex act with a foster child if he or she is a
23 foster parent and engages in sexual intercourse, as defined by
24 Section 13A-6-60(1), or deviant sexual intercourse, as defined
25 by Section 13A-6-60(2) with a foster child under the age of 19

1 years who is under his or her care or supervision. Engaging in
2 a sex act with a foster child is a Class B felony.

3 (b) A person commits the crime of engaging in a
4 sexual contact with a foster child if he or she is a foster
5 parent and engages in a sexual contact, pursuant to Section
6 13A-6-60(3) with a foster child under the age of 19 years who
7 is under his or her care or supervision. Engaging in sexual
8 contact with a foster child is a Class C felony.

9 (c) A person commits the crime of soliciting a sex
10 act or sexual contact with a foster child if he or she is a
11 foster parent and solicits, persuades, encourages, harasses,
12 or entices a foster child under the age of 19 to engage in a
13 sex act including, but not limited to, sexual intercourse, as
14 defined by Section 13A-6-30(1), deviate sexual intercourse, as
15 defined by Section 13A-6-30(2) or sexual contact, as defined
16 by Section 13A-6-30(3). The crime of soliciting a sex act or
17 sexual contact with a foster child is a Class A misdemeanor.

18 (d) Consent is not a defense to a charge under
19 subsections (a), (b), or (c).

20 (e) For the purposes of this section a foster parent
21 is an individual approved or licensed by the Department of
22 Human Resources or other child placing agencies who provides
23 care and supervision to a foster child under the temporary or
24 permanent custody of the department.

1 Section 5. Although this bill would have as its
2 purpose or effect the requirement of a new or increased
3 expenditure of local funds, the bill is excluded from further
4 requirements and application under Amendment 621, now
5 appearing as Section 111.05 of the Official Recompilation of
6 the Constitution of Alabama of 1901, as amended, because the
7 bill defines a new crime or amends the definition of an
8 existing crime.

9 Section 6. This act shall become effective
10 immediately following its passage and approval by the
11 Governor, or its otherwise becoming law.

