

1 HB50
2 163419-1
3 By Representative Givan
4 RFD: Judiciary
5 First Read: 03-MAR-15
6 PFD: 02/27/2015

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8 SYNOPSIS: Under existing law, it is a Class C
9 misdemeanor to knowingly transmit, or assume the
10 risk of transmitting, or do any act which will
11 probably or likely transmit a sexually transmitted
12 disease to another person.

13 This bill would increase the criminal
14 penalty for such an offense to a Class C felony.

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

1 The purpose or effect of this bill would be
2 to require a new or increased expenditure of local
3 funds within the meaning of the amendment. However,
4 the bill does not require approval of a local
5 governmental entity or enactment by a 2/3 vote to
6 become effective because it comes within one of the
7 specified exceptions contained in the amendment.
8

9 A BILL
10 TO BE ENTITLED
11 AN ACT
12

13 To amend Section 22-11A-21, Code of Alabama 1975,
14 relating to sexually transmitted diseases, to increase the
15 criminal penalties for the transmission of a sexually
16 transmitted disease or committing an act which will probably
17 or likely transmit a sexually transmitted disease; and in
18 connection therewith would have as its purpose or effect the
19 requirement of a new or increased expenditure of local funds
20 within the meaning of Amendment 621 of the Constitution of
21 Alabama of 1901, now appearing as Section 111.05 of the
22 Official Recompilation of the Constitution of Alabama of 1901,
23 as amended.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. Section 22-11A-21, Code of Alabama 1975,
26 is amended to read as follows:

27 "§22-11A-21.

1 "(a) Any person who shall treat or prescribe for any
2 person having a sexually transmitted disease except a
3 physician licensed to practice medicine in Alabama by the
4 Medical Licensure Commission shall be guilty of a Class C
5 misdemeanor.

6 "(b) Any druggist or other person who shall sell any
7 drug, medicine or preparation or preparations advertised,
8 called for, labeled or intended to be used as a cure or
9 treatment for a sexually transmitted disease, except on the
10 written prescription of a licensed physician, shall be guilty
11 of a Class C misdemeanor.

12 "(c) Any person afflicted with a sexually
13 transmitted disease who shall knowingly transmit, or assume
14 the risk of transmitting, or do any act which will probably or
15 likely transmit ~~such~~ the disease to another person shall be
16 guilty of a Class C ~~misdemeanor~~ felony."

17 Section 2. Although this bill would have as its
18 purpose or effect the requirement of a new or increased
19 expenditure of local funds, the bill is excluded from further
20 requirements and application under Amendment 621, now
21 appearing as Section 111.05 of the Official Recompilation of
22 the Constitution of Alabama of 1901, as amended, because the
23 bill defines a new crime or amends the definition of an
24 existing crime.

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

