

Sex Crimes: Definitions and Penalties

Alabama

Last Updated: April 2023

Rape in the First Degree

Question	Answer
How is it defined?	<p>A person commits the crime of rape in the first degree by doing any of the following:</p> <ul style="list-style-type: none">• Engaging in sexual intercourse by forcible compulsion;• Engaging in sexual intercourse with a victim who is incapable of consent by reason of being incapacitated; or• If the offender is 16 years old or older, engages in sexual intercourse with a victim who is less than 12 years old.
What are the punishments for this crime?	<p>Rape in the first degree is a Class A felony, which is punishable by both imprisonment and the imposition of a fine, in the following manner:</p> <ul style="list-style-type: none">• An offender shall be imprisoned for life or not more than 99 years or less than 10 years.<ul style="list-style-type: none">• However, when a firearm or deadly weapon is used or attempted to be used in the commission of the felony, the minimum sentence is 20 years.• Additionally, where the felony consists of a “sex offense involving a child,” (as defined below) or when a firearm or deadly weapon is used or attempted to be used in the commission of the felony, the minimum sentence is also 20 years.• An offender is also subject to a judicially-determined fine, in an amount not exceeding \$60,000. <p>In addition to the aforementioned punishments, added penalties apply in the following scenarios:</p> <ul style="list-style-type: none">• If the state has designated an offender as a “sexually violent predator” (in accordance with Ala. Code § 15-20A-19) or where an offender is convicted of a Class A felony sex offense involving a child, the offender is also subject to at least 10 years of post-release supervision (including electronic monitoring).• In all cases where an offender is convicted of rape in the first degree when the offender was 21 years of age or older and the victim was 6 years of age or less at the time the offense was committed, the offender shall be sentenced to life imprisonment without the possibility of parole.• If a parent has been convicted of rape in the first degree, the juvenile court shall make a finding that the parent is unable to properly care for a child and to discharge his or her responsibilities to and for a child, and shall terminate the parental rights of the parent.

	In addition, the court or Board of Pardons and Paroles may require, as a condition of release, that offenders charged or convicted of a sex offense be subject to electronic monitoring.
Anything else I should know?	<p>The following definitions are relevant, and apply, to this crime:</p> <ul style="list-style-type: none"> • Sexual Intercourse: the term is defined to refer to the phrase's "ordinary meaning." Sexual intercourse occurs upon "any penetration, however slight," and emission is not required. • Forcible Compulsion: use or threatened use, whether express or implied, of physical force, violence, confinement, restraint, physical injury, or death to the threatened person or to another person. In determining an implied threat, factors to be considered will include age, size and mental and physical condition of the victim and the accused, atmosphere and physical setting where the incident took place, whether the accused was in a position of authority, domination or control over the victim and whether the victim was under duress. Forcible compulsion does not require proof of resistance by the victim. • Incapacitated: includes: (i) a person who suffers from a mental or developmental disease or disability which renders the person incapable of appraising the nature of his or her conduct, (ii) a person who is temporarily incapable of appraising or controlling his or her conduct due to the influence of a narcotic, anesthetic, or intoxicating substance and the condition was known or should have been reasonably known to the offender and (iii) a person who is unable to give consent or who is unable to communicate an unwillingness to an act because the person is unconscious, asleep, or is otherwise physically limited or unable to communicate. • Sexual Contact: any touching of the sexual or other intimate parts of a person done for the purpose of gratifying the sexual desire of either party. The term does not require skin to skin contact. • Sodomy: any sexual act involving the genitals of one person and the mouth or anus of another person. • Sex Offense Involving a Child: a conviction for any sex offense in which the victim was a child (i.e., under 12 years old), or any offense involving child pornography.
Statutory Citation(s):	Ala. Code § 13A-6-60 and § 15-20A-4 (definitions); Ala. Code § 13A-6-61 (rape in the first degree); Ala. Code § 13A-5-6 (prison sentencing); Ala. Code § 13A-5-11 (fines); Ala. Code § 12-15-319 (termination of parental rights); Ala. Code § 15-20A-20 (electronic monitoring).

Rape in the Second Degree

Question	Answer
How is it defined?	A person commits the crime of rape in the second degree if an offender who is 16 years old or older and at least 2 years older than the victim, engages in sexual intercourse with a victim who is 12 years old or older but less than 16.

<p>What are the punishments for this crime?</p>	<p>Rape in the second degree is a Class B felony, which is punishable by both imprisonment and the imposition of a fine, in the following manner:</p> <ul style="list-style-type: none"> • An offender shall be imprisoned for not more than 20 years or less than 2 years. <ul style="list-style-type: none"> • However, when a firearm or deadly weapon is used or attempted to be used in the commission of the felony, the minimum sentence is 10 years. • Additionally, where the felony consists of a “sex offense involving a child,” the minimum sentence is also 10 years. • An offender is also subject to a judicially-determined fine, in an amount not exceeding \$30,000. <p>In addition to the aforementioned punishments, if the state has designated an offender as a “sexually violent predator” (in accordance with Ala. Code § 15-20A-19), the offender is also subject to at least 10 years of post-release supervision (including electronic monitoring).</p> <p>In addition, the court or Board of Pardons and Paroles may require, as a condition of release, that offenders charged or convicted of a sex offense be subject to electronic monitoring.</p>
<p>Anything else I should know?</p>	<p>The following definitions are relevant, and apply, to this crime:</p> <ul style="list-style-type: none"> • Sexual Intercourse: the term is defined to refer to the phrase’s “ordinary meaning.” Sexual intercourse occurs upon “any penetration, however slight,” and emission is not required. • Sex Offense Involving a Child: a conviction for any sex offense in which the victim was a child (i.e., under 12 years old), or any offense involving child pornography.
<p>Statutory Citation(s):</p>	<p>Ala. Code § 13A-6-60 and § 15-20A-4 (definitions); Ala. Code § 13A-6-62 (rape in the second degree); Ala. Code § 13A-5-6 (prison sentencing); Ala. Code § 13A-5-11 (fines); Ala. Code § 15-20A-20 (electronic monitoring).</p>

Sexual Torture

Question	Answer
<p>How is it defined?</p>	<p>A person commits the crime of sexual torture by doing any of the following:</p> <ul style="list-style-type: none"> • Penetrating the vagina, anus, or mouth of another person with an inanimate object by forcible compulsion, with the intent to sexually torture, sexually abuse or to gratify the sexual desire of either party;

	<ul style="list-style-type: none"> • Penetrating the vagina, anus, or mouth of a person who is incapable of consent by reason of being incapacitated, with an inanimate object, with the intent to sexually torture, sexually abuse or to gratify the sexual desire of either party; • Penetrating the vagina, anus, or mouth of a person who is less than 12 years old, with an inanimate object with the intent to sexually torture, sexually abuse or to gratify the sexual desire of either party, where the offender is 16 years old or older; or • Inflicting physical injury, including, but not limited to, burning, crushing, wounding, mutilating, or assaulting the sex organs or intimate parts of another person, with the intent to sexually torture, sexually abuse, or to gratify the sexual desire of either party.
<p>What are the punishments for this crime?</p>	<p>Sexual torture is a Class A felony, which is punishable by both imprisonment and the imposition of a fine, in the following manner:</p> <ul style="list-style-type: none"> • An offender shall be imprisoned for life or not more than 99 years or less than 10 years. <ul style="list-style-type: none"> • However, when a firearm or deadly weapon is used or attempted to be used in the commission of the felony, the minimum sentence is 20 years. • Additionally, where the felony consists of a “sex offense involving a child,” the minimum sentence is also 20 years. • An offender is also subject to a judicially-determined fine, in an amount not exceeding \$60,000. <p>In addition to the aforementioned punishments, added penalties apply in the following scenarios:</p> <ul style="list-style-type: none"> • If the state has designated an offender as a “sexually violent predator” (in accordance with Ala. Code § 15-20A-19) or where an offender is convicted of a Class A felony sex offense involving a child, the offender is also subject to at least 10 years of post-release supervision (including electronic monitoring). • In all cases where an offender is convicted of sexual torture when the offender was 21 years of age or older and the victim was 6 years of age or less at the time the offense was committed, the offender shall be sentenced to life imprisonment without the possibility of parole. <p>In addition, the court or Board of Pardons and Paroles may require, as a condition of release, that offenders charged or convicted of a sex offense be subject to electronic monitoring.</p>
<p>Anything else I should know?</p>	<p>The following definitions are relevant, and apply, to this crime:</p> <ul style="list-style-type: none"> • Forcible Compulsion: use or threatened use, whether express or implied, of physical force, violence, confinement, restraint, physical injury, or death to the threatened person or to another person. In determining an implied threat, factors to be considered will include age, size and mental and physical condition of the victim and the accused, atmosphere and physical setting where the incident took place, whether the accused was in a position of authority over the victim and whether the victim was under duress. Forcible compulsion does not require proof of resistance by the victim.

	<ul style="list-style-type: none"> • Incapacitated: includes: (i) a person who suffers from a mental or developmental disease or disability which renders the person incapable of appraising the nature of his or her conduct, (ii) a person who is temporarily incapable of appraising or controlling his or her conduct due to the influence of a narcotic, anesthetic, or intoxicating substance and the condition was known or should have been reasonably known to the offender and (iii) a person who is unable to give consent or who is unable to communicate an unwillingness to an act because the person is unconscious, asleep, or is otherwise physically limited or unable to communicate. • Sex Offense Involving a Child: a conviction for any sex offense in which the victim was a child (i.e., under 12 years old), or any offense involving child pornography.
Statutory citation(s):	Ala. Code § 13A-6-60 and § 15-20A-4 (definitions); Ala. Code § 13A-6-65.1 (sexual torture); Ala. Code § 13A-5-6 (prison sentencing); Ala. Code § 13A-5-11 (fines); Ala. Code § 15-20A-20 (electronic monitoring).

Sodomy in the First Degree

Question	Answer
How is it defined?	<p>A person commits the crime of sodomy in the first degree by doing any of the following:</p> <ul style="list-style-type: none"> • Engaging in sodomy by forcible compulsion; • Engaging in sodomy with a person who is incapable of consent by reason of being incapacitated; or • Engaging in sodomy with another person, where the victim is less than 12 years old and the offender is 16 years old or older.
What are the punishments for this crime?	<p>Sodomy in the first degree is a Class A felony, which is punishable by both imprisonment and the imposition of a fine, in the following manner:</p> <ul style="list-style-type: none"> • An offender shall be imprisoned for life or not more than 99 years or less than 10 years. <ul style="list-style-type: none"> • However, when a firearm or deadly weapon is used or attempted to be used in the commission of the felony, the minimum sentence is 20 years. • Additionally, where the felony consists of a “sex offense involving a child,” the minimum sentence is also 20 years. • An offender is also subject to a judicially-determined fine, in an amount not exceeding \$60,000. <p>In addition to the aforementioned punishments, added penalties apply in the following scenarios:</p> <ul style="list-style-type: none"> • If the state has designated an offender as a “sexually violent predator” (in accordance with Ala. Code § 15-20A-19) or where an offender is convicted of a Class A felony sex offense involving a child, the offender is also subject to at least 10 years of post-release supervision (including electronic monitoring).

	<ul style="list-style-type: none"> • In all cases where an offender is convicted of sodomy in the first degree when the offender was 21 years of age or older and the victim was 6 years of age or less at the time the offense was committed, the offender shall be sentenced to life imprisonment without the possibility of parole. • If a parent has been convicted of sodomy in the first degree, the juvenile court shall make a finding that the parent is unable to properly care for a child and to discharge his or her responsibilities to and for a child, and shall terminate the parental rights of the parent. <p>In addition, the court or Board of Pardons and Paroles may require, as a condition of release, that offenders charged or convicted of a sex offense be subject to electronic monitoring.</p>
Anything else I should know?	<p>The following definitions are relevant, and apply, to this crime:</p> <ul style="list-style-type: none"> • Sodomy: any sexual act involving the genitals of one person and the mouth or anus of another. • Forcible Compulsion: use or threatened use, whether express or implied, of physical force, violence, confinement, restraint, physical injury, or death to the threatened person or to another person. In determining an implied threat, factors to be considered will include age, size and mental and physical condition of the victim and the accused, atmosphere and physical setting where the incident took place, whether the accused was in a position of authority over the victim and whether the victim was under duress. Forcible compulsion does not require proof of resistance by the victim. • Incapacitated: includes: (i) a person who suffers from a mental or developmental disease or disability which renders the person incapable of appraising the nature of his or her conduct, (ii) a person who is temporarily incapable of appraising or controlling his or her conduct due to the influence of a narcotic, anesthetic, or intoxicating substance and the condition was known or should have been reasonably known to the offender and (iii) a person who is unable to give consent or who is unable to communicate an unwillingness to an act because the person is unconscious, asleep, or is otherwise physically limited or unable to communicate. • Sex Offense Involving a Child: a conviction for any sex offense in which the victim was a child (i.e., under 12 years old), or any offense involving child pornography.
Statutory citation(s):	Ala. Code § 13A-6-60 and § 15-20A-4 (definitions); Ala. Code § 13A-6-63 (sodomy in the first degree); Ala. Code § 13A-5-6 (prison sentencing); Ala. Code § 13A-5-11 (fines); Ala. Code § 15-20A-20 (electronic monitoring).

Sodomy in the Second Degree

Question	Answer
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How is it defined?	A person commits the crime of sodomy in the second degree by engaging in sodomy with another person, where the offender is 16 years old or older and the victim is 12 or older but less than 16 years old, provided that the victim is at least 2 years younger than the offender.
What are the punishments for this crime?	<p>Sodomy in the second degree is a Class B felony, which is punishable by both imprisonment and the imposition of a fine, in the following manner:</p> <ul style="list-style-type: none"> • An offender shall be imprisoned for not more than 20 years or less than 2 years. <ul style="list-style-type: none"> • However, when a firearm or deadly weapon is used or attempted to be used in the commission of the felony, the minimum sentence is 10 years. • Additionally, where the felony consists of a “sex offense involving a child,” the minimum sentence is also 10 years. • An offender is also subject to a judicially-determined fine, in an amount not exceeding \$30,000. <p>In addition to the aforementioned punishments if the state has designated an offender as a “sexually violent predator” (in accordance with Ala. Code § 15-20A-19), the offender is also subject to at least 10 years of post-release supervision (including electronic monitoring).</p> <p>In addition, the court or Board of Pardons and Paroles may require, as a condition of release, that offenders charged or convicted of a sex offense be subject to electronic monitoring.</p>
Anything else I should know?	<p>The following definitions are relevant, and apply, to this crime:</p> <ul style="list-style-type: none"> • Sodomy: any sexual act involving the genitals of one person and the mouth or anus of another. • Sex Offense Involving a Child: a conviction for any sex offense in which the victim was a child (i.e., under 12 years old), or any offense involving child pornography.
Statutory Citation(s):	Ala. Code § 13A-6-60 and § 15-20A-4 (definitions); Ala. Code § 13A-6-64 (sodomy in the second degree); Ala. Code § 13A-5-6 (prison sentencing); Ala. Code § 13A-5-11 (fines); Ala. Code § 15-20A-20 (electronic monitoring).

Sexual Abuse in the First Degree

Question	Answer
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How is it defined?	<p>Sexual abuse in the first degree consists of either:</p> <ul style="list-style-type: none"> • Subjecting another person to sexual contact by forcible compulsion; or • Subjecting another person to sexual contact who is incapable of consent by reason of being incapacitated.
What are the punishments for this crime?	<p>Sexual abuse in the first degree is a Class C felony, which is punishable by both imprisonment and the imposition of a fine, in the following manner:</p> <ul style="list-style-type: none"> • An offender shall be imprisoned for not more than 10 years or less than 1 year and 1 day. <ul style="list-style-type: none"> • However, when a firearm or deadly weapon is used or attempted to be used in the commission of the felony, the minimum sentence is 10 years. • An offender is also subject to a judicially-determined fine, in an amount not exceeding \$15,000. <p>In addition to the aforementioned punishments, if the state has designated an offender as a “sexually violent predator” (in accordance with Ala. Code § 15-20A-19), the offender is also subject to at least 10 years of post-release supervision (including electronic monitoring).</p> <p>In addition, the court or Board of Pardons and Paroles may require, as a condition of release, that offenders charged or convicted of a sex offense be subject to electronic monitoring.</p>
Anything else I should know?	<p>The following definitions are relevant, and apply, to this crime:</p> <ul style="list-style-type: none"> • Sexual Contact: any touching of the sexual or other intimate parts of a person done for the purpose of gratifying the sexual desire of either party. The term does not require skin to skin contact. • Forcible Compulsion: use or threatened use, whether express or implied, of physical force, violence, confinement, restraint, physical injury, or death to the threatened person or to another person. In determining an implied threat, factors to be considered will include age, size and mental and physical condition of the victim and the accused, atmosphere and physical setting where the incident took place, whether the accused was in a position of authority, dominion or custodial control over the victim and whether the victim was under duress. Forcible compulsion does not require proof of resistance by the victim. • Incapacitated: includes: (i) a person who suffers from a mental or developmental disease or disability which renders the person incapable of appraising the nature of his or her conduct, (ii) a person who is temporarily incapable of appraising or controlling his or her conduct due to the influence of a narcotic, anesthetic, or intoxicating substance and the condition was known or should have been reasonably known to the offender and (iii) a person who is unable to give consent or who is unable to communicate an unwillingness to an act because the person is unconscious, asleep, or is otherwise physically limited or unable to communicate.

Statutory citation(s):	Ala. Code § 13A-6-60 and § 15-20A-4 (definitions); Ala. Code § 13A-6-66 (sexual abuse in the first degree); Ala. Code § 13A-5-6 (prison sentencing); Ala. Code § 13A-5-11 (fines); Ala. Code § 15-20A-20 (electronic monitoring).
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Sexual Abuse in the Second Degree

Question	Answer
How is it defined?	<p>Sexual abuse in the second degree consists of either:</p> <ul style="list-style-type: none"> • Subjecting another person to sexual contact when the victim is incapable of consent by reason of some factor other than being less than 16 years old; or • Subjecting another person to sexual contact when the victim is more than 12 but less than 16 years old, and the offender is 19 years old or older.
What are the punishments for this crime?	<p>Sexual abuse in the second degree is a Class A misdemeanor, which is punishable by both imprisonment and the imposition of a fine, in the following manner:</p> <ul style="list-style-type: none"> • An offender shall be imprisoned for not more than 1 year. • An offender is also subject to a judicially-determined fine, in an amount not exceeding \$6,000. <p>Additionally, if the offender in question is at least 15 years old and the victim is between 12-16 years old or if the sexual abuse in the second degree in question consists of a second or subsequent offense within one year of another sexual offense, the offense is a Class C felony. A Class C felony is punishable by both imprisonment and the imposition of a fine, in the following manner:</p> <ul style="list-style-type: none"> • An offender shall be imprisoned for not more than 10 years or less than 1 year and 1 day. <ul style="list-style-type: none"> • However, when a firearm or deadly weapon is used or attempted to be used in the commission of the felony, the minimum sentence is 10 years. • An offender is also subject to a judicially-determined fine, in an amount not exceeding \$15,000. <p>In addition to the aforementioned punishments, if the offense is a Class C felony and the state has designated an offender as a “sexually violent predator” (in accordance with Ala. Code § 15-20A-19), the offender is also subject to at least 10 years of post-release supervision (including electronic monitoring).</p> <p>In addition, the court or Board of Pardons and Paroles may require, as a condition of release, that offenders</p>

	charged or convicted of a sex offense be subject to electronic monitoring.
Anything else I should know?	The following definition is relevant and applies to this crime: <ul style="list-style-type: none"> • Sexual Contact: any touching of the sexual or other intimate parts of a person done for the purpose of gratifying the sexual desire of either party. The term does not require skin to skin contact.
Statutory Citation(s):	Ala. Code § 13A-6-60 and § 15-20A-4 (definitions); Ala. Code § 13A-6-67 (sexual abuse in the second degree); Ala. Code § 13A-5-6 & Ala. Code § 13A-5-7 (prison sentencing); Ala. Code § 13A-5-11 & Ala. Code § 13A-5-12 (fines); Ala. Code § 15-20A-20 (electronic monitoring).

Sexual Misconduct

Question	Answer
How is it defined?	A person commits the crime of sexual misconduct by doing any of the following: <ul style="list-style-type: none"> • Engaging in sexual intercourse with another person without his or her consent, under circumstances other than those constituting rape in the first or second degree, or with consent where consent was obtained by the use of any fraud or artifice; • Engaging in sodomy with another person, without his or her consent, under circumstances other than those constituting sodomy in the first degree or sodomy in the second degree, or with consent where consent was obtained by the use of any fraud or artifice; or • Engaging in sexual contact with another person without his or her consent, other than those circumstances constituting sexual abuse in the first degree, sexual abuse in the second degree, or sexual abuse of a child less than 12 years old, or with consent where consent was obtained by the use of any fraud or artifice.
What are the punishments for this crime?	Sexual misconduct is a Class A misdemeanor, which is punishable by both imprisonment and the imposition of a fine, in the following manner: <ul style="list-style-type: none"> • An offender shall be imprisoned for not more than 1 year. • An offender is also subject to a judicially-determined fine, in an amount not exceeding \$6,000. <p>In addition, the court or Board of Pardons and Paroles may require, as a condition of release, that offenders charged or convicted of a sex offense be subject to electronic monitoring.</p>
Anything else I should know?	The following definitions are relevant, and apply, to this crime: <ul style="list-style-type: none"> • Sexual Intercourse: the term is defined to refer to the phrase's "ordinary meaning." Sexual intercourse occurs upon "any penetration, however slight," and emission is not required. • Sodomy: any sexual act involving the genitals of one person and the mouth or anus of another person.

Statutory citation(s):	Ala. Code § 13A-6-60 and § 15-20A-4 (definitions); Ala. Code § 13A-6-65 (sexual misconduct); Ala. Code § 13A-5-7 (prison sentencing); Ala. Code § 13A-5-12 (fines); Ala. Code § 15-20A-20 (electronic monitoring).
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Statutory Rape

Question	Answer
How is it defined?	<p>Alabama no longer separately codifies the offense of “statutory rape.” Instead, statutory rape has been supplanted by Ala. Code § 13A-6-61(a)(3) (rape in the first degree) and Ala. Code § 13A-6-62(a)(1) (rape in the second degree).</p> <p>Further, Ala. Code §§ 13A-6-63 and 13A-6-64 (sodomy in the first and second degrees) and Ala. Code § 13A-6-67 (sexual abuse in the second degree) contain language covering other offenses that constitute what is otherwise commonly called “statutory rape.” Finally, Ala. Code § 13A-6-69.1 (sexual abuse of a child less than 12 years old) contains additional prohibitions. The relevant laws are as follows:</p> <ul style="list-style-type: none"> • Rape in the first degree: Sexual intercourse between an offender who is 16 years old or older and a victim who is under 12 years old. • Rape in the second degree: Sexual intercourse when (a) the offender is 16 years old or older, (b) the victim is 12 years old or older but less than 16 years old, and (c) the offender is at least two years older than the victim. • Sodomy in the first degree: Sodomy between an offender who is 16 years old or older and a victim who is under 12 years old. • Sodomy in the second degree: Sodomy between an offender who is 16 years old or older and a victim who is more than 12 years old, and the offender is at least two years older than the victim. • Sexual abuse in the second degree: Sexual contact between an offender who is 19 years old or older and a victim who is more than 12 but less than 16 years old. • Sexual abuse of a child less than 12 years old: Sexual contact between an offender who is 16 years old or older and a victim who is less than 12 years old.
What are the punishments for this crime?	<p>Rape and Sodomy in the First Degree:</p> <p>These crimes are Class A felonies, which are punishable by both imprisonment and the imposition of a fine, in the following manner:</p> <ul style="list-style-type: none"> • An offender shall be imprisoned for life or not more than 99 years or less than 10 years. <ul style="list-style-type: none"> • However, when a firearm or deadly weapon is used or attempted to be used in the commission of the felony, the minimum sentence is 20 years. • Additionally, where the felony consists of a “sex offense involving a child,” the minimum sentence

is also 20 years.

- An offender is also subject to a judicially-determined fine, in an amount not exceeding \$60,000.

In addition to the aforementioned punishments, added penalties apply in the following scenarios:

- If the state has designated an offender as a “sexually violent predator” (in accordance with Ala. Code § 15-20A-19) or where an offender is convicted of a Class A felony sex offense involving a child, the offender is also subject to at least 10 years of post-release electronic monitoring.
- In all cases where an offender is convicted of a sex offense when the offender was 21 years of age or older and the victim was 6 years of age or less at the time the offense was committed, the defendant shall be sentenced to life imprisonment without the possibility of parole.

Furthermore, note that this statute is likely partially unconstitutional under the Supreme Court’s decision in *Graham v. Florida*. Specifically, *Graham* held that the Eighth Amendment prohibits the imposition of a life without parole sentence on a juvenile offender who did not commit homicide. See *Graham v. Florida*, 560 U.S. 48 (2010), as modified (July 6, 2010). As such, any offender who is under 18 years old would likely not be subject to life imprisonment without the chance for parole.

Rape and Sodomy in the Second Degree and Sexual Abuse of a Child:

These crimes are Class B felonies, which are punishable by both imprisonment and the imposition of a fine, in the following manner:

- An offender shall be imprisoned for not more than 20 years or less than 2 years.
 - However, when a firearm or deadly weapon is used or attempted to be used in the commission of the felony, the minimum sentence is 10 years.
 - Additionally, where the felony consists of a “sex offense involving a child,” the minimum sentence is also 10 years.
- An offender is also subject to a judicially-determined fine, in an amount not exceeding \$30,000.
- In addition to the aforementioned punishments, if the state has designated an offender as a “sexually violent predator” (in accordance with Ala. Code § 15-20A-19), the offender is also subject to at least 10 years of post-release supervision (including electronic monitoring).

Sexual Abuse in the Second Degree:

This crime is a Class A misdemeanor, which are punishable by both imprisonment and the imposition of a fine, in the following manner:

Sexual abuse in the second degree is a Class A misdemeanor, which is punishable by both imprisonment and the imposition of a fine, in the following manner:

	<ul style="list-style-type: none"> • An offender shall be imprisoned for not more than 1 year. • An offender is also subject to a judicially-determined fine, in an amount not exceeding \$6,000 <p>However, if the sexual abuse in the second degree in question consists of a second or subsequent offense within one year of another sexual offense, the offense is a Class C felony. A Class C felony is punishable by both imprisonment and the imposition of a fine, in the following manner:</p> <ul style="list-style-type: none"> • An offender shall be imprisoned for not more than 10 years or less than 1 year and 1 day. <ul style="list-style-type: none"> • However, when a firearm or deadly weapon is used or attempted to be used in the commission of the felony, the minimum sentence is 10 years. • If the state has designated an offender as a “sexually violent predator” (in accordance with Ala. Code § 15-20A-19), the offender is also subject to at least 10 years of post-release supervision (including electronic monitoring). <p>An offender is also subject to a judicially-determined fine, in an amount not exceeding \$15,000.</p>
Anything else I should know?	<p>The following definitions are relevant, and apply, to this crime:</p> <ul style="list-style-type: none"> • Sexual Contact: any touching of the sexual or other intimate parts of a person done for the purpose of gratifying the sexual desire of either party. The term does not require skin to skin contact. • Sodomy: any sexual act involving the genitals of one person and the mouth or anus of another person. • Sexual Intercourse: is defined to refer to the phrase’s “ordinary meaning” including any penetration, however slight, emission is not required.
Statutory Citation(s):	<p>Ala. Code §§ 13A-6-61 (rape in the first degree); 13A-6-62 (rape in the second degree); 13A-6-63 (sodomy in the first degree); 13A-6-64 (sodomy in the second degree); 13A-6-67 (sexual abuse in the second degree); and 13A-6-69.1 (sexual abuse of a child less than 12 years old); Ala. Code § 13A-5-6 & Ala. Code 13-A-5-7 (prison sentencing); Ala. Code § 13A-5-11 & Ala. Code § 13A-5-12 (fines).</p>