

SCORECARD

REPORT CARD ALABAMA | 2020



Final Score
48%

SCORECARD TOPLINES

Child marriage is allowed at 16 or 17 years of age, without parental approval if previously married. Consent to sexual contact is not required to be freely given or by affirmative consent. Does not require hate crimes data collection. Does not have a penalty enhancement for crimes motivated by sexual orientation, gender, gender identity, political affiliation, or age. No laws exist regarding rape kit backlogs. The state has not eliminated the statute of limitations for all felony sex crimes. Exceptions to the statute of limitations do not exist to allow an exception for DNA evidence.

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Final Grade
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Child Marriage

The age of consent for marriage is generally 18 years of age. Minors are permitted to marry at 16 with parental consent. Parental consent is not required if the minor was previously married. Judicial approval is not required. A lower age limit does not exist for marriage if one of the participants is pregnant. A lower age limit exists if the minor has been married before; a minor of 16 or 17 years of age may marry without parental approval if they have been married before. A lower age limit does not exist if the participant is in the military. No gender difference in the lowest age limit permitted exists.

Consent to Sexual Contact

Consent to sexual contact is clearly defined in Alabama law and may be communicated by words or actions. Freely given or affirmative consent is not specifically required, however, lack of consent is clearly defined. The existence of a current or previous marital, dating, social, or sexual relationship is not sufficient to constitute consent. Evidence that the victim suggested, requested, or otherwise communicated that the offender use a condom or other birth control device or sexually transmitted disease protection, without additional evidence of consent, is not sufficient to constitute consent. The lowest age for consent to sexual contact is 16 years of age. The law does account for a difference in age between the individuals engaging in sexual contact. The law accounts for a person's developmental disability or mental capacity impacting their ability to consent. The law accounts for a person's consciousness impacting their ability to consent. The law accounts for a person's intoxication impacting their ability to consent. The law recognizes an individual's ability to consent is impacted by a supervisory relationship or a position of authority with the offender.

Discrimination & Hate Crimes

Alabama has a hate crimes law that provides minimum sentencing penalties for crimes motivated by a victim's race, color, religion, national origin, ethnicity, or physical or mental

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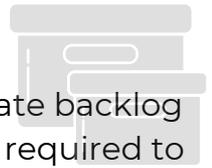
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disability. The state does not require data collection on hate crimes. The state does not criminalize interference with religious worship. The state does have a penalty enhancement for crimes or an independent crime for crimes motivated by race, religion, or ethnicity. The state does not have a penalty enhancement for crimes motivated by sexual orientation, gender, or gender identity. The state does have a penalty enhancement for crimes motivated by disability. The state does not have a penalty enhancement for crimes motivated by political affiliation. The state does not have a penalty enhancement for crimes motivated by age.

Rape Kit Processing

The state has not conducted an inventory of untested rape kits. Testing of the state backlog of untested rape kits has not occurred. Mandatory testing of new rape kits is not required to occur. A rape kit tracking system has not been implemented. A survivor's right to notice does not exist. The state has not provided funding for rape kit handling reform.



Spousal Rape

The state does not treat rape of a spouse differently than rape of an individual who is not a spouse of the perpetrator. The existence of a current or previous marital, dating, social, or sexual relationship with the defendant is not sufficient to constitute consent. The state does allow for conviction of a spouse for raping their partner if the partner is unconscious, drugged, or otherwise incapacitated. An exemption for spousal rape does not exist under laws criminalizing statutory rape. An exemption for spousal rape does not exist under laws criminalizing sexual contact between people with a supervisory relationship.



Statute of Limitations for Sexual Crimes

The state does not have a reduced statute of limitations for criminal prosecution if a victim chooses not to report or delays reporting of the crime. Unless otherwise specified, the statute of limitations is five years for all felonies. The statute of limitations for the most serious felony sex crime is 21 years or more. The statute of limitations has not been eliminated for all felony sex crimes but there is no statute of limitations for some felony sex crimes. No limitation of time exists for prosecution of: any capital offense; any felony involving the use, attempted use, or threat of, violence to a person; any felony involving serious physical injury or death of a person; any sex offense involving a victim under 16 years of age. Rape is considered a capital offense with no statute of limitations. Exceptions to the statute of limitations do not exist to allow an exception for DNA evidence.

