

1 SB22
2 118902-2
3 By Senator Brewbaker
4 RFD: Judiciary
5 First Read: 01-MAR-11
6 PFD: 02/03/2011

1 SB22

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

10
11 Relating to the authorized penalties for violations
12 of municipal ordinances; to amend Section 11-45-9 of the Code
13 of Alabama 1975, relating to penalties which may be imposed
14 for violations of ordinances; to recodify the penalties
15 authorized in Section 13A-5-12.1 of the Code of Alabama 1975,
16 under a single statute contained in Title 11; and to repeal
17 Section 13A-5-12.1 of the Code of Alabama 1975.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. Section 11-45-9 of the Code of Alabama
20 1975, is amended to read as follows:

21 "§11-45-9.

22 "(a) Municipal ordinances may provide penalties of
23 fines, imprisonment, hard labor, or one or more of such
24 penalties for violation of ordinances.

25 "(b) ~~No~~ Except as otherwise provided in this
26 section, no fine shall exceed \$500.00 five hundred dollars

1 (\$500), and no sentence of imprisonment or hard labor shall
2 exceed six months ~~except, when.~~

3 "(c) in In the enforcement of the penalties
4 prescribed in Section 32-5A-191, ~~such~~ the fine shall not
5 exceed ~~\$5,000.00~~ five thousand dollars (\$5,000) and ~~such~~ the
6 sentence of imprisonment or hard labor shall not exceed one
7 year.

8 "(d) Notwithstanding any other provision of law, the
9 maximum fine for every person either convicted for violating
10 any of the following misdemeanor offenses adopted as a
11 municipal ordinance violation or adjudicated as a youthful
12 offender shall be one thousand dollars (\$1,000):

13 "(1) Criminal mischief in the second degree, Section
14 13A-7-22.

15 "(2) Criminal mischief in the third degree, Section
16 13A-7-23.

17 "(3) Theft of property in the third degree, Section
18 13A-8-5.

19 "(4) Theft of lost property in the third degree,
20 Section 13A-8-9.

21 "(5) Theft of services in the third degree, Section
22 13A-8-10.3.

23 "(6) Receiving stolen property in the third degree,
24 Section 13A-8-19.

25 "(7) Tampering with availability of gas,
26 electricity, or water, Section 13A-8-23.

1 "(8) Possession of traffic sign; notification;
2 destruction, defacement, etc., of traffic sign or traffic
3 control device; defacement of public building or property,
4 Section 13A-8-71 and Section 13A-8-72.

5 "(9) Offenses against intellectual property, Section
6 13A-8-102.

7 "(10) Theft by fraudulent leasing or rental, Section
8 13A-8-140 through Section 13A-8-144.

9 "(11) Charitable fraud in the third degree, Section
10 13A-9-75.

11 "(12) Illegal possession of food stamps in the third
12 degree, Section 13A-9-91.

13 ~~"(c)~~ (e) The penalty imposed upon a corporation
14 shall consist of the fine only, plus costs of court."

15 Section 2. Section 13A-5-12.1 of the Code of Alabama
16 1975, is repealed. This act shall not be interpreted to affect
17 any violation of a municipal ordinance based on an offense
18 prior to the effective date of this act.

19 Section 3. This act shall become effective
20 immediately following its passage and approval by the
21 Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate
committee on Judiciary..... 01-MAR-11

Read for the second time and placed on the calen-
dar 1 amendment..... 03-MAR-11

Read for the third time and passed as amended 09-MAR-11

Yeas 35
Nays 0

Patrick Harris
Secretary