

1 SB284
2 136323-1
3 By Senators Scofield, Holley, Dial, Whatley, Reed, Waggoner
4 and Keahey
5 RFD: Judiciary
6 First Read: 09-FEB-12

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8 SYNOPSIS: This bill would specify that the removal of
9 timber or forest products by deception would be
10 unlawful punished as a Class A misdemeanor.

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

24 The purpose or effect of this bill would be
25 to require a new or increased expenditure of local
26 funds within the meaning of the amendment. However,
27 the bill does not require approval of a local

1 governmental entity or enactment by a 2/3 vote to
2 become effective because it comes within one of the
3 specified exceptions contained in the amendment.
4

5 A BILL
6 TO BE ENTITLED
7 AN ACT
8

9 To amend Section 9-13-60, Code of Alabama 1975,
10 providing criminal violations relating to timber or other
11 forest products; to include the removal of timber or forest
12 products by deception as an unlawful act subject to the
13 existing criminal penalties; and in connection therewith would
14 have as its purpose or effect the requirement of a new or
15 increased expenditure of local funds within the meaning of
16 Amendment 621 of the Constitution of Alabama of 1901, now
17 appearing as Section 111.05 of the Official Recompilation of
18 the Constitution of Alabama of 1901, as amended.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. Section 9-13-60, Code of Alabama 1975, is
21 amended to read as follows:

22 "§9-13-60.

23 "(a) It is unlawful for any person or persons to do
24 any of the following:

25 "(1) Willfully and knowingly cut, kill, destroy,
26 girdle, chop, chip, saw or otherwise damage timber or forest
27 products not his own or without authority of the legal owner.

1 "(2) Willfully and knowingly remove timber or other
2 forest products other than his own or without authority of the
3 legal owner.

4 "(3) Willfully and knowingly transport timber or
5 other forest products which have been severed or removed in
6 violation of subdivisions (1) or (2) of this section.

7 "(4) Willfully and knowingly purchase or contract to
8 purchase or otherwise obtain timber or forest products
9 severed, removed or transported in violation of subdivisions
10 (1), (2) or (3) of this section.

11 "(5) Willfully and knowingly sell, contract to sell
12 or otherwise dispose of logs, poles, piling, crossties,
13 pulpwood, veneer bolts, staves or other unmanufactured or
14 semimanufactured forest products not his or her own or without
15 authority of the legal owner.

16 "(6) Alter or by any means cause a weight measuring
17 device to give a false reading as to the actual or true weight
18 of any forest products for the purpose of deceiving or
19 defrauding any person, firm, or corporation.

20 "(7) Willfully and knowingly remove timber or other
21 forest products of another by means of deception, as defined
22 in Section 13A-8-1.

23 "(b) A violation of subsection (a) is a Class A
24 misdemeanor and shall be punished as provided by law.

25 "(c) This section shall not apply to any utility or
26 corporation engaged in providing electric service. Nor shall
27 it apply to the employees, contractors, agents, or

1 representatives of a utility or corporation engaged in
2 providing electric service where such employees, contractors,
3 agents, or representatives are acting within the course and
4 scope of their employment, contract, or agency."

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

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