

1 HB447
2 156932-1
3 By Representatives Laird and DeMarco
4 RFD: Judiciary
5 First Read: 11-FEB-14

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8 SYNOPSIS: Under existing law, a person commits the
9 crime of criminal mischief in the second degree, a
10 Class A misdemeanor, if, with intent to damage
11 property and having no right to do so, he or she
12 inflicts damage to property in an amount greater
13 than \$500 but less than \$2,500.

14 This bill would provide that a second or
15 subsequent conviction of criminal mischief in the
16 second degree is a Class C felony.

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

1 funds, or provides a local source of revenue, to
2 the entity for the purpose.

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

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11 A BILL
12 TO BE ENTITLED
13 AN ACT
14

15 To amend Section 13A-7-22, Code of Alabama 1975,
16 relating to the crime of criminal mischief in the second
17 degree; to provide enhanced penalties for a second or
18 subsequent conviction; and in connection therewith would have
19 as its purpose or effect the requirement of a new or increased
20 expenditure of local funds within the meaning of Amendment 621
21 of the Constitution of Alabama of 1901, now appearing as
22 Section 111.05 of the Official ReCompilation of the
23 Constitution of Alabama of 1901, as amended.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. Section 13A-7-22, Code of Alabama 1975,
26 is amended to read as follows:

27 "§13A-7-22.

1 "(a) A person commits the crime of criminal mischief
2 in the second degree if, with intent to damage property, and
3 having no right to do so or any reasonable ground to believe
4 that he or she has such a right, he or she inflicts damages to
5 property in an amount which exceeds five hundred dollars
6 (\$500) but does not exceed two thousand five hundred dollars
7 (\$2,500).

8 "(b) Criminal mischief in the second degree is a
9 Class A misdemeanor for a first offense and a Class C felony
10 for a second or subsequent offense."

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

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