

1 HB242
2 165107-1
3 By Representative Brown
4 RFD: Judiciary
5 First Read: 11-MAR-15

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8 SYNOPSIS: This bill would include the failure to
9 timely return property rented pursuant to a rental
10 agreement under the crime of theft of services.

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.
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5 A BILL
6 TO BE ENTITLED
7 AN ACT
8

9 To amend Section 13A-8-10, Code of Alabama 1975,
10 relating to the crime of theft of services; to include the
11 failure to timely return property rented pursuant to a rental
12 agreement under the crime; and in connection therewith would
13 have as its purpose or effect the requirement of a new or
14 increased expenditure of local funds within the meaning of
15 Amendment 621 of the Constitution of Alabama of 1901, now
16 appearing as Section 111.05 of the Official Recompilation of
17 the Constitution of Alabama of 1901, as amended.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. Section 13A-8-10 of the Code of Alabama
20 1975, is amended to read as follows:

21 "§13A-8-10.

22 "(a) A person commits the crime of theft of services
23 if in any of the following circumstances:

24 "(1) He or she intentionally obtains services known
25 by him or her to be available only for compensation by
26 deception, threat, false token, or other means to avoid
27 payment for the services; ~~or.~~

1 "(2) Having control over the disposition of services
2 of others to which he or she is not entitled, he or she
3 knowingly diverts those services to his or her own benefit or
4 to the benefit of another not entitled thereto.

5 "(3)a. He or she returns property held under a
6 rental agreement after the expiration of the rental agreement
7 and fails to pay the applicable rental charge for the property
8 within 10 calendar days after the date on which he or she
9 received notice demanding payment and failed to return the
10 property held under a rental agreement:

11 "1. Within five days after receiving notice
12 demanding return, if the property is valued at less than one
13 thousand five hundred dollars (\$1,500).

14 "2. Within three days after receiving notice
15 demanding return, if the property is valued at one thousand
16 five hundred dollars (\$1,500) or more.

17 "b. As used in this subdivision, notice shall mean
18 notice in writing, sent by registered or certified mail with
19 return receipt requested, and addressed to the address of the
20 person shown on the rental agreement or service agreement.

21 "(b) ~~"Services"~~ For the purposes of this section,
22 services includes, but is not necessarily limited to, labor,
23 professional services, transportation, telephone or other
24 public services, accommodation in motels, hotels, restaurants,
25 or elsewhere, admission to exhibitions, computer services, and
26 the supplying of equipment for use, and the rental of property
27 under a rental agreement.

1 "(c) Where compensation for services is ordinarily
2 paid immediately upon the rendering of them, as in the case of
3 motels, hotels, restaurants, and the like, absconding without
4 payment or bona fide offer to pay is prima facie evidence
5 under subsection (a) that the services were obtained by
6 deception.

7 "(d) If services are obtained under subdivision (a)
8 (1) from a hotel, motel, inn, restaurant, or cafe, no
9 prosecution can be commenced after 120 days from the time of
10 the 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.