

1 HB90  
2 204418-1  
3 By Representative Hill  
4 RFD: Judiciary  
5 First Read: 04-FEB-20  
6 PFD: 02/03/2020

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8 SYNOPSIS: Under existing law, theft of services  
9 offenses have threshold amounts established for  
10 each offense.

11 This bill would amend the threshold amounts  
12 for theft of services offenses.

13 This bill would also make nonsubstantive,  
14 technical revisions to update the existing code  
15 language to current style.

16 Amendment 621 of the Constitution of Alabama  
17 of 1901, now appearing as Section 111.05 of the  
18 Official Recompilation of the Constitution of  
19 Alabama of 1901, as amended, prohibits a general  
20 law whose purpose or effect would be to require a  
21 new or increased expenditure of local funds from  
22 becoming effective with regard to a local  
23 governmental entity without enactment by a 2/3 vote  
24 unless: it comes within one of a number of  
25 specified exceptions; it is approved by the  
26 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.  
6 However, the bill does not require approval of a  
7 local governmental entity or enactment by a 2/3  
8 vote to become effective because it comes within  
9 one of the specified exceptions contained in the  
10 amendment.

11  
12 A BILL  
13 TO BE ENTITLED  
14 AN ACT

15  
16 Relating to crimes and offenses; to amend Sections  
17 13A-8-10, 13A-8-10.1, 13A-8-10.2, 13A-8-10.25, and 13A-8-10.3,  
18 Code of Alabama 1975, to amend the threshold amounts for theft  
19 of services offenses; to make nonsubstantive, technical  
20 revisions to update the existing code language to current  
21 style; and in connection therewith would have as its purpose  
22 or effect the requirement of a new or increased expenditure of  
23 local funds within the meaning of Amendment 621 of the  
24 Constitution of Alabama of 1901, now appearing as Section  
25 111.05 of the Official Recompilation of the Constitution of  
26 Alabama of 1901, as amended.

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1                   Section 1. Sections 13A-8-10, 13A-8-10.1,  
2                   13A-8-10.2, 13A-8-10.25, and 13A-8-10.3, Code of Alabama 1975,  
3                   are amended to read as follows:

4                   "§13A-8-10.

5                   "(a) A person commits the crime of theft of services  
6                   if he or she does either of the following:

7                   "(1) ~~He intentionally~~ Intentionally obtains services  
8                   known by him or her to be available only for compensation by  
9                   deception, threat, false token, or other means to avoid  
10                  payment for the services; ~~or.~~

11                  "(2) Having control over the disposition of services  
12                  of others to which he or she is not entitled, he or she  
13                  knowingly diverts those services to his or her own benefit or  
14                  to the benefit of another not entitled ~~thereto~~ to the  
15                  services.

16                  "(b) "Services" includes, but is not necessarily  
17                  limited to, labor, professional services, transportation,  
18                  telephone or other public services, accommodation in motels,  
19                  hotels, restaurants or elsewhere, admission to exhibitions,  
20                  computer services, and the supplying of equipment for use.

21                  "(c) Where compensation for services is ordinarily  
22                  paid immediately upon the rendering of them, as in the case of  
23                  motels, hotels, restaurants and the like, absconding without  
24                  payment or bona fide offer to pay is prima facie evidence  
25                  under subsection (a) that the services were obtained by  
26                  deception.

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

5           "§13A-8-10.1.

6           "(a) The theft of services ~~which~~ that exceeds ~~two~~  
7           three thousand five hundred dollars ~~(\$2,500)~~ (\$3,500) in value  
8           constitutes theft of services in the first degree.

9           "(b) Theft of services in the first degree is a  
10          Class B felony.

11          "§13A-8-10.2.

12          "(a) The theft of services ~~between one~~ that exceeds  
13          two thousand five hundred dollars ~~(\$1,500)~~ (\$2,500) in value  
14          ~~and two,~~ but does not exceed three thousand five hundred  
15          dollars ~~(\$2,500)~~ (\$3,500) in value, constitutes theft of  
16          services in the second degree.

17          "(b) Theft of services in the second degree is a  
18          Class C felony.

19          "§13A-8-10.25.

20          "(a) The theft of services ~~which~~ that exceeds one  
21          thousand five hundred dollars ~~(\$500)~~ (\$1,500) in value, but  
22          does not exceed ~~one thousand four hundred and ninety-nine~~  
23          dollars ~~(\$1,499)~~ two thousand five hundred dollars (\$2,500) in  
24          value, constitutes theft of services in the third degree.

25          "(b) Theft of services in the third degree is a  
26          Class D felony.

27          "§13A-8-10.3.

1           "(a) The theft of services ~~which~~ that does not  
2 exceed one thousand five hundred dollars ~~(\$500)~~ (\$1,500) in  
3 value constitutes theft of services in the fourth degree.

4           "(b) Theft of services in the fourth degree is a  
5 Class A misdemeanor."

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

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