SB44
197228-1
By Senator Elliott
RFD: Judiciary
First Read: 04-FEB-20
PFD: 01/13/2020
SYNOPSIS: Under existing law, when a person is found guilty of committing a misdemeanor or felony and it is shown beyond a reasonable doubt that the commission of the crime was motivated by the victim's race, color, religion, national origin, ethnicity, or physical or mental disability, the person is subject to heightened criminal penalties.

This bill would provide that when a person is found guilty of committing a misdemeanor or felony against a law enforcement officer and it is shown beyond a reasonable doubt that the commission of the crime was motivated by the victim's employment as a law enforcement officer, the person is subject to heightened criminal penalties.

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

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

A BILL TO BE ENTITLED AN ACT

Relating to crimes and offenses; to amend Section 13A-5-13, Code of Alabama 1975, to provide additional criminal penalties when the commission of a felony or misdemeanor is motivated by the victim's employment as a law enforcement officer; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section
111.05 of the Official Recompilation of the Constitution of
Alabama of 1901, as amended.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 13A-5-13, Code of Alabama 1975,
is amended to read as follows:


(a) The Legislature finds and declares the
following:

"(1) It is the right of every person, regardless of
race, color, religion, national origin, ethnicity, or physical
or mental disability, or employment as a law enforcement
officer, to be secure and protected from threats of reasonable
fear, intimidation, harassment, and physical harm caused by
activities of groups and individuals.

"(2) It is not the intent, by enactment of this
section, to interfere with the exercise of rights protected by
the Constitution of the State of Alabama or the United States.

"(3) The intentional advocacy of unlawful acts by
groups or individuals against other persons or groups and
bodily injury or death to persons is not constitutionally
protected when violence or civil disorder is imminent, and
poses a threat to public order and safety, and such conduct
should be subjected to criminal sanctions.

"(b) The purpose of this section is to impose
additional penalties where it is shown that a perpetrator
committing the underlying offense was motivated by thevictim's actual or perceived race, color, religion, national
origin, ethnicity, or physical or mental disability, or employment as a law enforcement officer.

"(c) A person who has been found guilty of a crime, the commission of which was shown beyond a reasonable doubt to have been motivated by the victim's actual or perceived race, color, religion, national origin, ethnicity, or physical or mental disability, or employment as a law enforcement officer, shall be punished as follows:

"(1) Felonies:

"a. On conviction of a Class A felony that was found to have been motivated by the victim's actual or perceived race, color, religion, national origin, ethnicity, or physical or mental disability, or employment as a law enforcement officer, the sentence shall not be less than 15 years.

"b. On conviction of a Class B felony that was found to have been motivated by the victim's actual or perceived race, color, religion, national origin, ethnicity, or physical or mental disability, or employment as a law enforcement officer, the sentence shall not be less than 10 years.

"c. On conviction of a Class C felony that was found to have been motivated by the victim's actual or perceived race, color, religion, national origin, ethnicity, or physical or mental disability, or employment as a law enforcement officer, the sentence shall not be less than two years.

"d. On conviction of a Class D felony that was found to have been motivated by the victim's actual or perceived race, color, religion, national origin, ethnicity, or physical
or mental disability, or employment as a law enforcement 
officer, the sentence shall not be less than 18 months.

"e. For purposes of this subdivision, a criminal 
defendant who has been previously convicted of any felony and 
receives an enhanced sentence pursuant to this section is also 
subject to enhanced punishment under the Alabama Habitual 

"(2) Misdemeanors:

"On conviction of a misdemeanor which was found 
beyond a reasonable doubt to have been motivated by the 
victim's actual or perceived race, color, religion, national 
origin, ethnicity, or physical or mental disability, or 
employment as a law enforcement officer, the defendant shall 
be sentenced for a Class A misdemeanor, except that the 
defendant shall be sentenced to a minimum of three months."

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

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