

1 SB235
2 135893-1
3 By Senator Brooks
4 RFD: Judiciary
5 First Read: 07-FEB-12

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8 SYNOPSIS: This bill would establish the crime of home
9 invasion if a person enters an occupied dwelling
10 with intent to use force or violence on another
11 person or to commit a theft from the dwelling or to
12 vandalize, deface, or damage the property of
13 another. The crime of home invasion would be a
14 Class A felony which would not be subject to
15 probation, parole, or a suspended sentence.

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. 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.

10
11 A BILL
12 TO BE ENTITLED
13 AN ACT
14

15 To establish the crime of home invasion; to provide
16 criminal penalties; and in connection therewith would have as
17 its purpose or effect the requirement of a new or increased
18 expenditure of local funds within the meaning of Amendment 621
19 of the Constitution of Alabama of 1901, now appearing as
20 Section 111.05 of the Official Recompilation of the
21 Constitution of Alabama of 1901, as amended.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. This act shall be known as The Alabama
24 Home Invasion Act of 2012.

25 Section 2. (a) Home invasion is the unauthorized
26 entering, either by force, with or without a weapon, or by
27 coercion or subterfuge to gain entry, of any occupied dwelling

1 with the intent to use force or violence upon another person,
2 to commit a theft therein, or to vandalize, deface, or damage
3 the property of the other person.

4 (b) This section does not apply to a law enforcement
5 officer acting within the line and scope of official duties.

6 (c) A person who violates this section is guilty of
7 home invasion. Home invasion is a Class A felony which shall
8 not be subject to probation, parole, or a suspended sentence.

9 Section 3. Although this bill would have as its
10 purpose or effect the requirement of a new or increased
11 expenditure of local funds, the bill is excluded from further
12 requirements and application under Amendment 621, now
13 appearing as Section 111.05 of the Official Recompilation of
14 the Constitution of Alabama of 1901, as amended, because the
15 bill defines a new crime or amends the definition of an
16 existing crime.

17 Section 4. This act shall become effective on the
18 first day of the third month following its passage and
19 approval by the Governor, or its otherwise becoming law.