

1 SB561
2 141033-2
3 By Senator Ward
4 RFD: Judiciary
5 First Read: 24-APR-12

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8 SYNOPSIS: Existing law provides for the crimes of
9 criminal trespass in the first degree, second
10 degree, and third degree.

11 This bill would establish the crime of
12 trespass on a school bus in the first degree.

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

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

9 A BILL
10 TO BE ENTITLED
11 AN ACT
12

13 To establish the crime of trespass on a school bus
14 in the first degree; to provide penalties; and in connection
15 therewith to have as its purpose or effect the requirement of
16 a new or increased expenditure of local funds within the
17 meaning of Amendment 621 of the Constitution of Alabama of
18 1901, now appearing as Section 111.05 of the Official
19 Recompilation of the Constitution of Alabama of 1901, as
20 amended.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. (a) A person commits the crime of
23 trespass on a school bus in the first degree if he or she is
24 found guilty of doing any of the following:

25 (1) Willfully demolishing, destroying, defacing,
26 injuring, burning, or damaging any public school bus.

1 (2) Entering a public school bus while the door is
2 open to load or unload students, while at a railroad grade
3 crossing, or after being forbidden from doing so by the
4 authorized school bus driver in charge of the bus, or upon
5 demand of a principal of a school to which the bus is assigned
6 or other duly authorized school system official.

7 (3) As an occupant of a public school bus, refusing
8 to leave the bus on demand of the authorized school bus driver
9 in charge of the bus, or upon demand of a principal of a
10 school to which the bus is assigned or other duly authorized
11 school system official.

12 (4) Willfully stopping, impeding, delaying, or
13 detaining any public school bus being operated for public
14 school purposes.

15 (b) The crime of trespass on a school bus in the
16 first degree is a Class B misdemeanor.

17 (c) Subdivisions (2), (3), and (4) of subsection (a)
18 do not apply to a child who is less than 12 years of age or to
19 authorized school personnel who are boarding the school bus as
20 a part of their job assignment.

21 Section 2. Although this bill would have as its
22 purpose or effect the requirement of a new or increased
23 expenditure of local funds, the bill is excluded from further
24 requirements and application under Amendment 621, now
25 appearing as Section 111.05 of the Official Recompilation of
26 the Constitution of Alabama of 1901, as amended, because the

1 bill defines a new crime or amends the definition of an
2 existing crime.

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