

1 SB22
2 118902-3
3 By Senator Brewbaker
4 RFD: Judiciary
5 First Read: 01-MAR-11
6 PFD: 02/03/2011

1 SB22

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4 ENROLLED, An Act,

5 Relating to the authorized penalties for violations
6 of municipal ordinances; to amend Section 11-45-9 of the Code
7 of Alabama 1975, relating to penalties which may be imposed
8 for violations of ordinances; to recodify the penalties
9 authorized in Section 13A-5-12.1 of the Code of Alabama 1975,
10 under a single statute contained in Title 11; and to repeal
11 Section 13A-5-12.1 of the Code of Alabama 1975.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. Section 11-45-9 of the Code of Alabama
14 1975, is amended to read as follows:

15 "§11-45-9.

16 "(a) Municipal ordinances may provide penalties of
17 fines, imprisonment, hard labor, or one or more of such
18 penalties for violation of ordinances.

19 "(b) Except as otherwise provided in this section,
20 no fine shall exceed five hundred dollars (\$500), and no
21 sentence of imprisonment or hard labor shall exceed six
22 months.

23 "(c) In the enforcement of the penalties prescribed
24 in Section 32-5A-191, the fine shall not exceed five thousand

1 dollars (\$5,000) and the sentence of imprisonment or hard
2 labor shall not exceed one year.

3 "(d) Notwithstanding any other provision of law, the
4 maximum fine for every person either convicted for violating
5 any of the following misdemeanor offenses adopted as a
6 municipal ordinance violation or adjudicated as a youthful
7 offender shall be one thousand dollars (\$1,000):

8 "(1) Criminal mischief in the second degree, Section
9 13A-7-22.

10 "(2) Criminal mischief in the third degree, Section
11 13A-7-23.

12 "(3) Theft of property in the third degree, Section
13 13A-8-5.

14 "(4) Theft of lost property in the third degree,
15 Section 13A-8-9.

16 "(5) Theft of services in the third degree, Section
17 13A-8-10.3.

18 "(6) Receiving stolen property in the third degree,
19 Section 13A-8-19.

20 "(7) Tampering with availability of gas,
21 electricity, or water, Section 13A-8-23.

22 "(8) Possession of traffic sign; notification;
23 destruction, defacement, etc., of traffic sign or traffic
24 control device; defacement of public building or property,
25 Section 13A-8-71 and Section 13A-8-72.

1 "(9) Offenses against intellectual property, Section
2 13A-8-102.

3 "(10) Theft by fraudulent leasing or rental, Section
4 13A-8-140 through Section 13A-8-144.

5 "(11) Charitable fraud in the third degree, Section
6 13A-9-75.

7 "(12) Illegal possession of food stamps in the third
8 degree, Section 13A-9-91.

9 "(e) The penalty imposed upon a corporation shall
10 consist of the fine only, plus costs of court."

11 Section 2. Section 13A-5-12.1 of the Code of Alabama
12 1975, is repealed. This act shall not be interpreted to affect
13 any violation of a municipal ordinance based on an offense
14 prior to the effective date of this act.

15 Section 3. This act shall become effective
16 immediately following its passage and approval by the
17 Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB22
Senate 09-MAR-11
I hereby certify that the within Act originated in and passed
the Senate, as amended.

Patrick Harris
Secretary

House of Representatives
Passed: 09-JUN-11

By: Senator Brewbaker