

1 HB268
2 115982-1
3 By Representatives Hill and Ward
4 RFD: Judiciary
5 First Read: 14-JAN-10

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8 SYNOPSIS: Under existing law, a person convicted of
9 the crime of menacing is guilty of a Class B
10 misdemeanor.

11 This bill would provide that a person who
12 commits the crime of menacing would be guilty of a
13 Class A misdemeanor.

14 Under existing law, a person convicted of
15 the crime of reckless endangerment is guilty of a
16 Class A misdemeanor.

17 This bill would provide that a person who
18 commits the crime of reckless endangerment would be
19 guilty of a Class C felony.

20 Amendment 621 of the Constitution of Alabama
21 of 1901, now appearing as Section 111.05 of the
22 Official Recompilation of the Constitution of
23 Alabama of 1901, as amended, prohibits a general
24 law whose purpose or effect would be to require a
25 new or increased expenditure of local funds from
26 becoming effective with regard to a local
27 governmental entity without enactment by a 2/3 vote

1 unless: it comes within one of a number of
2 specified exceptions; it is approved by the
3 affected entity; or the Legislature appropriates
4 funds, or provides a local source of revenue, to
5 the entity for the purpose.

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

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14 A BILL
15 TO BE ENTITLED
16 AN ACT

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18 To amend Sections 13A-6-23 and 13A-6-24 of the Code
19 of Alabama 1975, relating to the crimes of menacing and
20 reckless endangerment; to increase the penalties; and in
21 connection therewith would have as its purpose or effect the
22 requirement of a new or increased expenditure of local funds
23 within the meaning of Amendment 621 of the Constitution of
24 Alabama of 1901, now appearing as Section 111.05 of the
25 Official Recompilation of the Constitution of Alabama of 1901,
26 as amended.

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Sections 13A-6-23 and 13A-6-24 of the
2 Code of Alabama 1975, are amended to read as follows:

3 "§13A-6-23.

4 "(a) A person commits the crime of menacing if, by
5 physical action, he intentionally places or attempts to place
6 another person in fear of imminent serious physical injury.

7 "(b) Menacing is a Class ~~B~~ A misdemeanor.

8 "§13A-6-24.

9 "(a) A person commits the crime of reckless
10 endangerment if he recklessly engages in conduct which creates
11 a substantial risk of serious physical injury to another
12 person.

13 "(b) Reckless endangerment is a Class ~~A misdemeanor~~
14 C felony."

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

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