

1 HB786
2 118902-1
3 By Representatives McLaughlin and England
4 RFD: Judiciary
5 First Read: 25-MAR-10

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8 SYNOPSIS: Under existing law, the penalties for
9 municipal ordinance violations are provided for in
10 Title 11 in Section 11-45-9, Code of Alabama 1975.
11 Additional penalties for certain state misdemeanor
12 offenses adopted as municipal ordinance violations
13 are provided for in Title 13A in Section
14 13A-5-12.1, Code of Alabama 1975, which references
15 Act 2003-355 of the 2003 Regular Session (Acts
16 2003, p. 962), but does not enumerate the specific
17 offenses listed in the act.

18 This bill would amend Section 11-45-9, Code
19 of Alabama 1975, to recodify the penalties already
20 authorized for municipal ordinance violations in a
21 single statute in Title 11.

22
23 A BILL
24 TO BE ENTITLED
25 AN ACT
26

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

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

9 Section 1. Section 11-45-9 of the Code of Alabama
10 1975, is amended to read as follows:

11 "§11-45-9.

12 "(a) Municipal ordinances may provide penalties of
13 fines, imprisonment, hard labor, or one or more of such
14 penalties for violation of ordinances.

15 "(b) ~~No~~ Except as otherwise provided in this
16 section, no fine shall exceed ~~\$500.00~~ five hundred dollars
17 (\$500), and no sentence of imprisonment or hard labor shall
18 exceed six months ~~except, when.~~

19 "(c) in In the enforcement of the penalties
20 prescribed in Section 32-5A-191, ~~such~~ the fine shall not
21 exceed ~~\$5,000.00~~ five thousand dollars (\$5,000) and ~~such~~ the
22 sentence of imprisonment or hard labor shall not exceed one
23 year.

24 "(d) Notwithstanding any other provision of law, the
25 maximum fine for every person either convicted for violating
26 any of the following misdemeanor offenses adopted as a

1 municipal ordinance violation or adjudicated as a youthful
2 offender shall be one thousand dollars (\$1,000):

3 "(1) Criminal mischief in the second degree, Section
4 13A-7-22.

5 "(2) Criminal mischief in the third degree, Section
6 13A-7-23.

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

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

11 "(5) Theft of services in the third degree, Section
12 13A-8-10.3.

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

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

17 "(8) Possession of traffic sign; notification;
18 destruction, defacement, etc., of traffic sign or traffic
19 control device; defacement of public building or property,
20 Section 13A-8-71 and Section 13A-8-72.

21 "(9) Offenses against intellectual property, Section
22 13A-8-102.

23 "(10) Theft by fraudulent leasing or rental, Section
24 13A-8-140 through Section 13A-8-144.

25 "(11) Identity theft, Section 13A-8-192.

26 "(12) Charitable fraud in the third degree, Section
27 13A-9-75.

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

3 "~~(c)~~ (e) The penalty imposed upon a corporation
4 shall consist of the fine only, plus costs of court."

5 Section 2. Section 13A-5-12.1 of the Code of Alabama
6 1975, is repealed. This act shall not be interpreted to affect
7 any violation of a municipal ordinance based on an offense
8 prior to the effective date of this act.

9 Section 3. This act shall become effective
10 immediately following its passage and approval by the
11 Governor, or its otherwise becoming law.