

1 SB155
2 115179-1
3 By Senator Dixon
4 RFD: Judiciary
5 First Read: 12-JAN-10

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8 SYNOPSIS: Under existing law, receiving stolen
9 property in the second degree is a Class C felony.

10 This bill would further provide that
11 receiving stolen property in the second degree
12 includes receiving a stolen firearm regardless of
13 its value.

14 Amendment 621 of the Constitution of Alabama
15 of 1901, now appearing as Section 111.05 of the
16 Official Recompilation of the Constitution of
17 Alabama of 1901, as amended, prohibits a general
18 law whose purpose or effect would be to require a
19 new or increased expenditure of local funds from
20 becoming effective with regard to a local
21 governmental entity without enactment by a 2/3 vote
22 unless: it comes within one of a number of
23 specified exceptions; it is approved by the
24 affected entity; or the Legislature appropriates
25 funds, or provides a local source of revenue, to
26 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 amend Section 13A-8-18 of the Code of Alabama
14 1975, relating to receiving stolen property in the second
15 degree, a Class C felony, to include within the offense
16 receiving a stolen firearm regardless of its value; and in
17 connection therewith would have as its purpose or effect the
18 requirement of a new or increased expenditure of local funds
19 within the meaning of Amendment 621 of the Constitution of
20 Alabama of 1901, now appearing as Section 111.05 of the
21 Official Recompilation of the Constitution of Alabama of 1901,
22 as amended.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24 Section 1. Section 13A-8-18 of the Code of Alabama
25 1975, is amended to read as follows:

26 "§13A-8-18.

27 "(a) Receiving stolen property:

1 "(1) Which exceeds five hundred dollars (\$500) in
2 value but does not exceed two thousand five hundred dollars
3 (\$2,500) in value; or

4 "(2) Of any value under the circumstances described
5 in subdivision (b) (3) of Section 13A-8-16; constitutes
6 receiving stolen property in the second degree; or

7 "(3) Notwithstanding subdivision (1) of subsection
8 (a), receiving stolen property which exceeds two hundred fifty
9 dollars (\$250) in value but does not exceed two thousand five
10 hundred dollars (\$2,500) in value where the defendant has
11 previously been convicted of theft of property in the first or
12 second degree or receiving stolen property in the first or
13 second degree, constitutes receiving stolen property in the
14 second degree; or

15 "(4) Notwithstanding subdivision (1), receiving a
16 stolen firearm, regardless of its value, constitutes receiving
17 stolen property in the second degree.

18 "(b) Receiving stolen property in the second degree
19 is a Class C felony."

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

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