

1 SB185
2 115909-3
3 By Senator Mitchell
4 RFD: Judiciary
5 First Read: 12-JAN-10

1 SB185

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4 ENROLLED, An Act,

5 To amend Sections 9-13-221, 9-13-222, and 9-13-223,
6 Code of Alabama 1975, relating to certain crimes of theft of
7 timber and timber harvesting equipment and the parts thereof
8 and related offenses; to provide further for the types of
9 offenses for which a law enforcement officer may seize motor
10 vehicles and other equipment; and to provide for delivery of
11 the equipment to the regional forester of the forestry region
12 where the arrest was made.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. Sections 9-13-221, 9-13-222, and
15 9-13-223, Code of Alabama 1975, are amended to read as
16 follows:

17 "§9-13-221.

18 "It shall be the duty of any sheriff, policeman,
19 forestry officer, or other peace officer or law enforcement
20 officer in the State of Alabama, arresting any person who is
21 charged with violating or attempting to violate Section
22 9-13-60 or any felony laws of the State of Alabama involving
23 timber or forest products or transactions pertaining thereto,
24 to seize any vehicle and equipment used, which is in the
25 possession or under control of the person or persons charged

1 with violating the laws, and to deliver any such seized
2 vehicle and equipment, to the regional forester of the
3 forestry region in which the arrest is made. The person
4 receiving any vehicle and equipment from the arresting officer
5 shall keep it in a safe place and in as good condition as when
6 received, until disposed of as hereinafter provided. The
7 seizure of vehicles and equipment provided in this section is
8 authorized only when the arrest is for a crime involving the
9 theft of timber harvesting equipment or the parts thereof, the
10 harvesting, removal, transportation, or disposal of any forest
11 products, or any other transactions related to forest products
12 or timber harvesting equipment or any part or parts from
13 timber harvesting equipment.

14 "§9-13-222.

15 "Within five days after the arrest of any person for
16 violating Section 9-13-60 or any felony laws of the State of
17 Alabama outlined in this article, the person receiving
18 possession of any vehicle and equipment, seized as aforesaid,
19 shall report the seizure and detention of the vehicle and
20 equipment to the district attorney or other prosecuting
21 official, giving a full description of such vehicle and
22 equipment, any identification number, make and model thereof,
23 the name of the person in whose possession it was found when
24 seized, the person, if any, making claim to same or any
25 interest therein if the name can be ascertained or is known,

1 and the date and place of the seizure and a statement of the
2 circumstances surrounding the seizing of the property.

3 "§9-13-223.

4 "Within five days after the final conviction of any
5 person for violating Section 9-13-60 or any felony laws of the
6 State of Alabama involving timber or forest products or
7 transactions pertaining thereto, the person receiving
8 possession of any vehicle and equipment, seized as aforesaid,
9 shall report the seizure and detention of the vehicle and
10 equipment to the district attorney or other prosecuting
11 official, giving a full description of such vehicle and
12 equipment, any identification number, make and model thereof,
13 the name of the person in whose possession it was found when
14 seized, the person, if any, making claim to same or any
15 interest therein if the name can be ascertained or is known,
16 and the date and place of such seizure and a statement of the
17 circumstances surrounding the seizing of the property."

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

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB185
Senate 18-FEB-10
I hereby certify that the within Act originated in and passed
the Senate.

McDowell Lee
Secretary

House of Representatives
Passed: 14-APR-10

By: Senator Mitchell