

1 HB491
2 218757-1
3 By Representative Treadaway
4 RFD: Judiciary
5 First Read: 10-MAR-22

8 SYNOPSIS: This bill would make it a crime to place an
9 electronic device on the property of another person
10 without the consent of the owner.

11 This bill would further prohibit a person
12 from placing certain devices on the property of
13 another in violation of an established court order
14 and would provide for penalties.

15 Amendment 621 of the Constitution of Alabama
16 of 1901, as amended by Amendment 890, now appearing
17 as Section 111.05 of the Official ReCompilation of
18 the Constitution of Alabama of 1901, as amended,
19 prohibits a general law whose purpose or effect
20 would be to require a new or increased expenditure
21 of local funds from becoming effective with regard
22 to a local governmental entity without enactment by
23 a 2/3 vote unless: it comes within one of a number
24 of specified exceptions; it is approved by the
25 affected entity; or the Legislature appropriates
26 funds, or provides a local source of revenue, to
27 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 Relating to crimes and offenses; to amend Section
14 13A-6-92, Code of Alabama 1975, and add Sections 13A-6-95 and
15 13A-6-96 to the Code of Alabama 1975; to further provide
16 definitions; to prohibit a person from placing certain devices
17 on the property of another person; to prohibit a person from
18 placing certain devices on the property of another in
19 violation of an established court order; to provide for
20 penalties; and in connection therewith would have as its
21 purpose or effect the requirement of a new or increased
22 expenditure of local funds within the meaning of Amendment 621
23 of the Constitution of Alabama of 1901, as amended by
24 Amendment 890, now appearing as Section 111.05 of the Official
25 Recompilation of the Constitution of Alabama of 1901, as
26 amended.

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Section 13A-6-92, Code of Alabama 1975,
2 is amended to read as follows:

3 "§13A-6-92.

4 "As used in this article, the following terms shall
5 have the following meanings, respectively, unless the context
6 clearly indicates otherwise.

7 ~~(a)~~ (1) COURSE OF CONDUCT. A pattern of conduct
8 composed of a series of acts over a period of time which
9 evidences a continuity of purpose.

10 ~~(b)~~ (2) CREDIBLE THREAT. A threat, expressed or
11 implied, made with the intent and the apparent ability to
12 carry out the threat so as to cause the person who is the
13 target of the threat to fear for his or her safety or the
14 safety of a family member and to cause reasonable mental
15 anxiety, anguish, or fear.

16 "(3) ELECTRONIC TRACKING DEVICE. An electronic or
17 mechanical device which permits the tracking of the movement
18 of a person or object.

19 ~~(c)~~ (4) HARASSES. Engages in an intentional course
20 of conduct directed at a specified person which alarms or
21 annoys that person, or interferes with the freedom of movement
22 of that person, and which serves no legitimate purpose. The
23 course of conduct must be such as would cause a reasonable
24 person to suffer substantial emotional distress, and must
25 actually cause substantial emotional distress.
26 Constitutionally protected conduct is not included within the
27 definition of this term."

1 Section 2. Section 13A-6-95 is added to the Code of
2 Alabama 1975, as follows:

3 §13A-6-95.

4 (a) No person, without consent of the owner or
5 except as otherwise authorized by law, shall place any
6 electronic tracking device on the property of another person.

7 (b) A violation of this section shall be a Class A
8 misdemeanor.

9 Section 3. Section 13A-6-96 is added to the Code of
10 Alabama 1975, as follows:

11 §13A-6-96.

12 (a) No person, without consent of the owner or
13 except as otherwise authorized by law, shall place any
14 electronic tracking device on the property of another person
15 with the intent to surveil, stalk, or harass, or for any other
16 unlawful purpose.

17 (b) (1) Except as otherwise provided in subdivision
18 (2), a violation of this section shall be a Class C felony.

19 (2) A person who violates this section and whose
20 conduct violates an existing domestic violence protection
21 order, an elder abuse protection order, a temporary
22 restraining order, or any other court order, shall be guilty
23 of a Class B felony.

24 Section 4. Although this bill would have as its
25 purpose or effect the requirement of a new or increased
26 expenditure of local funds, the bill is excluded from further
27 requirements and application under Amendment 621, as amended

1 by Amendment 890, now appearing as Section 111.05 of the
2 Official ReCompilation of the Constitution of Alabama of 1901,
3 as amended, because the bill defines a new crime or amends the
4 definition of an existing crime.

5 Section 5. This act shall become effective on the
6 first day of the third month following its passage and
7 approval by the Governor, or its otherwise becoming law.