

HB153 INTRODUCED



1 XVBL77-1
2 By Representative Treadaway
3 RFD: Judiciary
4 First Read: 21-Mar-23
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SYNOPSIS:

This bill would make it a crime to place an electronic tracking device on the property of another person without the consent of the owner and would provide for penalties.

This bill would prohibit a person from placing an electronic tracking device on the property of another in violation of an established court order and would provide for penalties.

This bill would also make nonsubstantive, technical revisions to update the existing code language to current style.

Section 111.05 of the Constitution of Alabama of 2022, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the affected entity; or the Legislature appropriates funds, or provides a local source of revenue, to the entity for the purpose.

The purpose or effect of this bill would be to require a new or increased expenditure of local funds within the meaning of the amendment. However, the bill



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29 does not require approval of a local governmental
30 entity or enactment by a 2/3 vote to become effective
31 because it comes within one of the specified exceptions
32 contained in the amendment.

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A BILL

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TO BE ENACTED

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AN ACT

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39 Relating to crimes and offenses; to amend Sections
40 13A-6-92 and 30-3-130, Code of Alabama 1975, to define the
41 term electronic tracking device; to add Sections 13A-6-95 and
42 13A-6-96 to the Code of Alabama 1975, to prohibit a person
43 from placing certain devices on the property of another
44 person; to prohibit a person from placing certain devices on
45 the property of another in violation of an established court
46 order; to provide for penalties; to make nonsubstantive,
47 technical revisions to update the existing code language to
48 current style; and in connection therewith would have as its
49 purpose or effect the requirement of a new or increased
50 expenditure of local funds within the meaning of Section
51 111.05 of the Constitution of Alabama of 2022.

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BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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Section 1. Sections 13A-6-92 and 30-3-130, Code of
54 Alabama 1975, are amended to read as follows:

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"§13A-6-92

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As used in this article, the following terms ~~shall~~



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57 have the following meanings, ~~respectively, unless the context~~
58 ~~clearly indicates otherwise.~~ :

59 ~~(a)~~ (1) COURSE OF CONDUCT. A pattern of conduct
60 composed of a series of acts over a period of time which
61 evidences a continuity of purpose.

62 ~~(b)~~ (2) CREDIBLE THREAT. A threat, expressed or
63 implied, made with the intent and the apparent ability to
64 carry out the threat so as to cause the person who is the
65 target of the threat to fear for his or her safety or the
66 safety of a family member and to cause reasonable mental
67 anxiety, anguish, or fear.

68 (3) ELECTRONIC TRACKING DEVICE. An electronic or
69 mechanical device that permits the tracking of the movement of
70 a person or object.

71 ~~(c)~~ (4) HARASSES. Engages in an intentional course of
72 conduct directed at a specified person which alarms or annoys
73 that person, or interferes with the freedom of movement of
74 that person, and which serves no legitimate purpose. The
75 course of conduct must be such as would cause a reasonable
76 person to suffer substantial emotional distress, and must
77 actually cause substantial emotional distress.

78 Constitutionally protected conduct is not included within the
79 definition of this term."

80 "§30-3-130

81 For the purposes of this article "domestic or family
82 abuse" means an incident resulting in the abuse, stalking,
83 assault, harassment, or the attempt or threats thereof.

84 "Abuse" means any offense under Article 4 ~~(commencing with~~



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85 ~~Section 13A-6-60)~~ of Chapter 6 of Title 13A, ~~and under~~ or
86 Chapter 15 ~~(commencing with Section 26-15-1)~~ of Title 26.
87 "Stalking" means ~~the offenses prescribed in any offense under~~
88 ~~Sections 13A-6-90 to 13A-6-92, inclusive~~ Article 5 of Chapter 6
89 of Title 13A. "Assault" means ~~the offense prescribed in any~~
90 offense under Sections 13A-6-20 to 13A-6-25, inclusive Article
91 2 of Chapter 6 of Title 13A. "Harassment" means the offenses
92 prescribed in Section 13A-11-8."

93 Section 2. Sections 13A-6-95 and 13A-6-96 are added to
94 the Code of Alabama 1975, as follows:

95 §13A-6-95

96 (a) A person who, without the consent of the owner or
97 except as otherwise authorized by law, places any electronic
98 tracking device on the property of another person with the
99 intent to surveil, stalk, or harass, or for any other unlawful
100 purpose, is guilty of the crime of electronic stalking in the
101 first degree.

102 (b) (1) Except as otherwise provided in subdivision (2),
103 a violation of this section is a Class C felony.

104 (2) A person who violates this section and whose
105 conduct violates an existing domestic violence protection
106 order, elder abuse protection order, temporary restraining
107 order, or any other court order, shall be guilty of a Class B
108 felony.

109 §13A-6-96

110 (a) A person who, without the consent of the owner or
111 except as otherwise authorized by law, places any electronic
112 tracking device on the property of another person is guilty of



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113 the crime of electronic stalking in the second degree.

114 (b) A violation of this section is a Class A
115 misdemeanor.

116 Section 3. Although this bill would have as its purpose
117 or effect the requirement of a new or increased expenditure of
118 local funds, the bill is excluded from further requirements
119 and application under Section 111.05 of the Constitution of
120 Alabama of 2022, because the bill defines a new crime or
121 amends the definition of an existing crime.

122 Section 4. This act shall become effective on the first
123 day of the third month following its passage and approval by
124 the Governor, or its otherwise becoming law.