

1 HB619
2 165012-2
3 By Representatives Rowe, Treadaway, Pettus, Ledbetter, Harper,
4 Greer, Collins, Boothe and Fridy
5 RFD: Judiciary
6 First Read: 07-MAY-15

2
3
4
5
6
7
8 SYNOPSIS: Under existing law, except for certain
9 driving under the influence offenses, a municipal
10 court may only impose a sentence of imprisonment
11 not to exceed six months.

12 This bill would allow a municipal court to
13 sentence persons to imprisonment not to exceed one
14 year if the offense is a Class A misdemeanor.

15 Amendment 621 of the Constitution of Alabama
16 of 1901, now appearing as Section 111.05 of the
17 Official Recompilation of the Constitution of
18 Alabama of 1901, as amended, prohibits a general
19 law whose purpose or effect would be to require a
20 new or increased expenditure of local funds from
21 becoming effective with regard to a local
22 governmental entity without enactment by a 2/3 vote
23 unless: it comes within one of a number of
24 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 municipal courts; to amend Section
14 11-45-9, Code of Alabama 1975, to allow a municipal court to
15 impose a sentence of imprisonment not to exceed one year; and
16 in connection therewith would have as its purpose or effect
17 the requirement of a new or increased expenditure of local
18 funds within the meaning of Amendment 621 of the Constitution
19 of Alabama of 1901, now appearing as Section 111.05 of the
20 Official Recompilation of the Constitution of Alabama of 1901,
21 as amended.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

25 "§11-45-9.

1 "(a) Municipal ordinances may provide penalties of
2 fines, imprisonment, hard labor, or one or more of such
3 penalties for violation of ordinances.

4 "(b) Except as otherwise provided in this section,
5 no fine shall exceed five hundred dollars (\$500), and no
6 sentence of imprisonment or hard labor shall exceed six
7 months.

8 "(c) In the enforcement of the penalties prescribed
9 in Section 32-5A-191, the fine shall not exceed five thousand
10 dollars (\$5,000) and the sentence of imprisonment or hard
11 labor shall not exceed one year.

12 "(d) Notwithstanding any other provision of law, the
13 maximum fine for every person either convicted for violating
14 any of the following misdemeanor offenses adopted as a
15 municipal ordinance violation or adjudicated as a youthful
16 offender shall be one thousand dollars (\$1,000):

17 "(1) Criminal mischief in the second degree, Section
18 13A-7-22.

19 "(2) Criminal mischief in the third degree, Section
20 13A-7-23.

21 "(3) Theft of property in the third degree, Section
22 13A-8-5.

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

25 "(5) Theft of services in the third degree, Section
26 13A-8-10.3.

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

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

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

9 "(9) Offenses against intellectual property, Section
10 13A-8-102.

11 "(10) Theft by fraudulent leasing or rental, Section
12 13A-8-140 through Section 13A-8-144.

13 "(11) Charitable fraud in the third degree, Section
14 13A-9-75.

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

17 "(e) The penalty imposed upon a corporation shall
18 consist of the fine only, plus costs of court.

19 "(f) In the enforcement of a Class A misdemeanor,
20 the fine may not exceed six thousand dollars (\$6,000) and the
21 sentence of imprisonment may not exceed one year."

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

1 bill defines a new crime or amends the definition of an
2 existing crime.

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