

1 HB39
2 146951-2
3 By Representative Wood
4 RFD: Judiciary
5 First Read: 05-FEB-13
6 PFD: 01/24/2013

1 "(2) Causes physical injury to any person who is not
2 a participant in the crime; or

3 "(3) In effecting entry, is armed with a deadly
4 weapon or dangerous instrument or, while in the building or in
5 immediate flight from the building, uses or threatens the
6 immediate use of a deadly weapon or dangerous instrument
7 against another person. The use of or threatened use of a
8 deadly weapon or dangerous instrument does not include the
9 mere acquisition of a deadly weapon or dangerous instrument
10 during the burglary.

11 "(b) In the alternative to subsection (a) of this
12 section, a person commits the crime of burglary in the second
13 degree if he or she unlawfully enters a ~~lawfully occupied~~
14 lawfully occupied or unoccupied livable habitable
15 dwelling-house, ~~whether occupied or not,~~ with intent to commit
16 a theft or a felony therein.

17 "(c) Burglary in the second degree is a Class B
18 felony."

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

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Judiciary 05-FEB-13

Read for the second time and placed
on the calendar 2 amendments 14-FEB-13

Read for the third time and passed
as amended..... 26-FEB-13

Yeas 89, Nays 0, Abstains 0

Jeff Woodard
Clerk