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

1	<u>ENGROSSED</u>
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4	A BILL
5	TO BE ENTITLED
6	AN ACT
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8	To amend Section 13A-7-6 of the Code of Alabama
9	1975, relating to burglary in the second degree; to further
10	define the offense to include burglary of a livable
11	dwelling-house; and in connection therewith to have as its
12	purpose or effect the requirement of a new or increased
13	expenditure of local funds within the meaning of Amendment 621
14	of the Constitution of Alabama of 1901, now appearing as
15	Section 111.05 of the Official Recompilation of the
16	Constitution of Alabama of 1901, as amended.
17	BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
18	Section 1. Section 13A-7-6 of the Code of Alabama
19	1975, is amended to read as follows:
20	"\$13A-7-6.
21	"(a) A person commits the crime of burglary in the
22	second degree if he or she knowingly enters or remains
23	unlawfully in a building with intent to commit theft or a
24	felony therein and, if in effecting entry or while in the
25	building or in immediate flight therefrom, the person or
26	another participant in the crime:
27	"(1) Is armed with explosives; or

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

- "(3) In effecting entry, is armed with a deadly weapon or dangerous instrument or, while in the building or in immediate flight from the building, uses or threatens the immediate use of a deadly weapon or dangerous instrument against another person. The use of or threatened use of a deadly weapon or dangerous instrument does not include the mere acquisition of a deadly weapon or dangerous instrument during the burglary.
  - "(b) In the alternative to subsection (a) of this section, a person commits the crime of burglary in the second degree if he or she unlawfully enters a lawfully occupied lawfully occupied or unoccupied livable habitable dwelling-house, whether occupied or not, with intent to commit a theft or a felony therein.
  - "(c) Burglary in the second degree is a Class B felony."

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

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

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3	House of Representatives
4 5 6 7	Read for the first time and re- ferred to the House of Representa- tives committee on Judiciary 05-FEB-13
8 9	Read for the second time and placed on the calendar 2 amendments
10 11 12 13	Read for the third time and passed as amended
14 15 16	Jeff Woodard Clerk