

1 HB75
2 135302-4
3 By Representative McCutcheon
4 RFD: Judiciary
5 First Read: 07-FEB-12
6 PFD: 01/23/2012

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ENROLLED, An Act,

To amend Sections 13A-6-90 and 13A-6-91 of the Code of Alabama 1975, to designate the crimes of stalking and aggravated stalking in the first degree; to add Sections 13A-6-90.1 and 13A-6-91.1 to the Code of Alabama 1975, to provide for the crimes of stalking and aggravated stalking in the second degree; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be known and may be cited as "Tracy's Law."

Section 2. Sections 13A-6-90 and 13A-6-91 of the Code of Alabama 1975, are amended to read as follows:

"§13A-6-90.

"(a) A person who intentionally and repeatedly follows or harasses another person and who makes a ~~credible~~ threat, either expressed or implied, with the intent to place that person in reasonable fear of death or serious bodily harm is guilty of the crime of stalking in the first degree.

1 "(b) The crime of stalking in the first degree is a
2 Class C felony.

3 "§13A-6-91.

4 "(a) A person who violates the provisions of Section
5 13A-6-90(a) and whose conduct in doing so also violates any
6 court order or injunction is guilty of the crime of aggravated
7 stalking in the first degree.

8 "(b) The crime of aggravated stalking in the first
9 degree is a Class B felony."

10 Section 3. Sections 13A-6-90.1 and 13A-6-91.1 are
11 added to Chapter 6 of Title 13A of the Code of Alabama 1975,
12 to read as follows:

13 §13A-6-90.1.

14 (a) A person who, acting with an improper purpose,
15 intentionally and repeatedly follows, harasses, telephones, or
16 initiates communication, verbally, electronically, or
17 otherwise, with another person, any member of the other
18 person's immediate family, or any third party with whom the
19 other person is acquainted, and causes material harm to the
20 mental or emotional health of the other person, or causes such
21 person to reasonably fear that his or her employment,
22 business, or career is threatened, and the perpetrator was
23 previously informed to cease that conduct is guilty of the
24 crime of stalking in the second degree.

1 (b) The crime of stalking in the second degree is a
2 Class B misdemeanor.

3 §13A-6-91.1.

4 (a) A person who violates the provisions of Section
5 13A-6-90.1 and whose conduct in doing so also violates any
6 court order or injunction is guilty of the crime of aggravated
7 stalking in the second degree.

8 (b) The crime of aggravated stalking in the second
9 degree is a Class C felony.

10 Section 4. Although this bill would have as its
11 purpose or effect the requirement of a new or increased
12 expenditure of local funds, the bill is excluded from further
13 requirements and application under Amendment 621, now
14 appearing as Section 111.05 of the Official Recompilation of
15 the Constitution of Alabama of 1901, as amended, because the
16 bill defines a new crime or amends the definition of an
17 existing crime.

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

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 14-MAR-12, as amended.

Greg Pappas
Clerk

Senate

08-MAY-12

Passed