

1 HB340  
2 142367-2  
3 By Representatives Merrill, Wallace, Moore (B), Mask, Williams  
4 (P), Buttram, England, Johnson (K), McClendon, Harper,  
5 Greeson, Robinson (O), Scott, Boman, Weaver, Davis, Coleman,  
6 Long, Rich, Johnson (W), Baughn, Roberts, Sessions, Galliher,  
7 Farley, Ball, Wood, Rogers, Howard, Brown, Williams (D), Todd,  
8 Tuggle, Payne, Hurst, Robinson (J), Treadaway, Givan, Carns,  
9 Oden, Boyd, Williams (J), Baker, Drake, Nordgren, Sanderford,  
10 McCutcheon, Beckman, Hill, Shiver, Hammon, Morrow and Millican  
11 RFD: Judiciary  
12 First Read: 16-FEB-12

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ENROLLED, An Act,

To create the crime of looting; to provide penalties; 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. (a) For the purposes of this section, the following words have the following meaning:

(1) BUILDING. Any structure that may be entered and utilized by persons for business, public use, lodging, or the storage of goods. The term includes any vehicle, aircraft, or watercraft used for the lodging of persons or carrying on business therein and includes any railroad boxcar or other rail equipment or trailer or tractor trailer, or combination thereof. Where a building consists of two or more units separately occupied or secure, each shall be deemed both a separate building and a part of the main building.

(2) STATE OF EMERGENCY. When the Governor duly proclaims the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by fire, flood, storm, epidemic, technological

1 failure or accident, riot, drought, sudden and severe energy  
2 shortage, plant or animal infestation or disease, earthquake,  
3 explosion, terrorism, man-made disaster, or other conditions,  
4 other than conditions resulting from a labor controversy or  
5 conditions causing a state of war emergency, which, by reason  
6 of their magnitude, are or are likely to be beyond the control  
7 of the services, personnel, equipment, and facilities of any  
8 single county, city, or county and city and require the  
9 combined forces of a mutual aid region or regions to combat or  
10 an energy shortage which requires extraordinary measures  
11 beyond the authority vested in the Alabama Public Service  
12 Commission.

13 (b) A person commits the crime of looting if the  
14 person intentionally enters without authorization any building  
15 or real property during a state of emergency and obtains,  
16 exerts control over, damages, or removes the property of  
17 another person without lawful authority.

18 (c) The crime of looting is a Class C felony.

19 (d) The fact that a person may be subject to  
20 prosecution under this section shall not bar his or her  
21 prosecution or punishment for any other offense.

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

1 appearing as Section 111.05 of the Official ReCompilation of  
2 the Constitution of Alabama of 1901, as amended, because the  
3 bill defines a new crime or amends the definition of an  
4 existing crime.

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

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Speaker of the House of Representatives

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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 20-MAR-12.

Greg Pappas  
Clerk

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Senate  
House  
Senate

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26-APR-12

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02-MAY-12

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03-MAY-12

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Amended and Passed  
Passed, as amended  
by Conference Com-  
mittee Report  
Passed, as amended  
by Conference Com-  
mittee Report