

1 HB238
2 126786-2
3 By Representatives McCutcheon, Hurst, Treadaway, Weaver,
4 Hammon, Vance, Clouse, Newton (C), Boothe, Baker,
5 Williams (P), Faust, Brown, England, Melton, Morrow, Robinson
6 (J), Collins, Nordgren, Henry, Ball, Galliher, Wood,
7 Sanderford, Johnson (W), Ison, McClurkin, Patterson, Roberts,
8 Baughn, Farley, Tuggle, Williams (D), Burdine, Hall and Todd
9 RFD: Judiciary
10 First Read: 10-MAR-11

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8 SYNOPSIS: This bill would designate the existing crime
9 of stalking as stalking in the first degree and the
10 existing crime of aggravated stalking as aggravated
11 stalking in the first degree.

12 This bill would provide for the crime of
13 stalking in the second degree classified as a Class
14 B misdemeanor and for the crime of aggravated
15 stalking in the second degree classified as a Class
16 C felony.

17 Amendment 621 of the Constitution of Alabama
18 of 1901, now appearing as Section 111.05 of the
19 Official Recompilation of the Constitution of
20 Alabama of 1901, as amended, prohibits a general
21 law whose purpose or effect would be to require a
22 new or increased expenditure of local funds from
23 becoming effective with regard to a local
24 governmental entity without enactment by a 2/3 vote
25 unless: it comes within one of a number of
26 specified exceptions; it is approved by the
27 affected entity; or the Legislature appropriates

1 funds, or provides a local source of revenue, to
2 the entity for the purpose.

3 The purpose or effect of this bill would be
4 to require a new or increased expenditure of local
5 funds within the meaning of the amendment. However,
6 the bill does not require approval of a local
7 governmental entity or enactment by a 2/3 vote to
8 become effective because it comes within one of the
9 specified exceptions contained in the amendment.

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11 A BILL

12 TO BE ENTITLED

13 AN ACT

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15 To amend Sections 13A-6-90 and 13A-6-91 of the Code
16 of Alabama 1975, to designate the crimes of stalking and
17 aggravated stalking in the first degree; to add Sections
18 13A-6-90.1 and 13A-6-91.1 to the Code of Alabama 1975, to
19 provide for the crimes of stalking and aggravated stalking in
20 the second degree; and in connection therewith would have as
21 its purpose or effect the requirement of a new or increased
22 expenditure of local funds within the meaning of Amendment 621
23 of the Constitution of Alabama of 1901, now appearing as
24 Section 111.05 of the Official Recompilation of the
25 Constitution of Alabama of 1901, as amended.

26 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.

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

"§13A-6-91.

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

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

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

§13A-6-90.1

(a) A person who intentionally and repeatedly follows, harasses, telephones, or initiates communication, verbally, electronically, or otherwise, with another person, any member of the other person's immediate family, or any

1 third party with whom the other person is acquainted, and
2 causes material harm to the mental or emotional health of the
3 other person, or causes such person to reasonably fear that
4 his or her employment, business, or career is threatened, and
5 the perpetrator was previously informed to cease that conduct
6 is guilty of the crime of stalking in the second degree.

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

9 §13A-6-91.1

10 (a) A person who violates the provisions of Section
11 13A-6-90.1 and whose conduct in doing so also violates any
12 court order or injunction is guilty of the crime of aggravated
13 stalking in the second degree.

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

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

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