

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

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

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

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, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the 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.

10  
11 A BILL  
12 TO BE ENTITLED  
13 AN ACT  
14

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:

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

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

5           "§13A-6-90.

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

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

13           "§13A-6-91.

14           "(a) A person who violates the provisions of Section  
15 13A-6-90(a) and whose conduct in doing so also violates any  
16 court order or injunction is guilty of the crime of aggravated  
17 stalking in the first degree.

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

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

23           §13A-6-90.1

24           (a) A person who intentionally and repeatedly  
25 follows, harasses, telephones, or initiates communication,  
26 verbally, electronically, or otherwise, with another person,  
27 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.