

House Judiciary Engrossed Substitute for HB153



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SYNOPSIS:

A BILL
TO BE ENACTED
AN ACT

Relating to crimes and offenses; to amend Sections 13A-6-92 and 30-3-130, Code of Alabama 1975, to define the term electronic tracking device; to add Sections 13A-6-95 and 13A-6-96 to the Code of Alabama 1975, to prohibit a person from placing certain devices on the property of another person; to prohibit a person from placing certain devices on the property of another in violation of an established court order; to provide for penalties; to make nonsubstantive, technical revisions to update the existing code language to current style; 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 Section 111.05 of the Constitution of Alabama of 2022.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 13A-6-92 and 30-3-130, Code of Alabama 1975, are amended to read as follows:

"§13A-6-92

As used in this article, the following terms ~~shall~~ have the following meanings, ~~respectively, unless the context~~ ~~clearly indicates otherwise.~~ :



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29 ~~(a)~~ (1) COURSE OF CONDUCT. A pattern of conduct
30 composed of a series of acts over a period of time which
31 evidences a continuity of purpose.

32 ~~(b)~~ (2) CREDIBLE THREAT. A threat, expressed or
33 implied, made with the intent and the apparent ability to
34 carry out the threat so as to cause the person who is the
35 target of the threat to fear for his or her safety or the
36 safety of a family member and to cause reasonable mental
37 anxiety, anguish, or fear.

38 (3) ELECTRONIC TRACKING DEVICE. An electronic or
39 mechanical device that permits the tracking of the movement of
40 a person or object.

41 ~~(e)~~ (4) HARASSES. Engages in an intentional course of
42 conduct directed at a specified person which alarms or annoys
43 that person, or interferes with the freedom of movement of
44 that person, and which serves no legitimate purpose. The
45 course of conduct must be such as would cause a reasonable
46 person to suffer substantial emotional distress, and must
47 actually cause substantial emotional distress.
48 Constitutionally protected conduct is not included within the
49 definition of this term.

50 (5) OWNER. An individual, other than the defendant,
51 who has possession of or any other interest in the property
52 involved and without whose consent the defendant has no
53 authority to exert control over the property."

54 "§30-3-130

55 For the purposes of this article "domestic or family
56 abuse" means an incident resulting in the abuse, stalking,



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57 assault, harassment, or the attempt or threats thereof.

58 "Abuse" means any offense under Article 4 ~~(commencing with~~
59 ~~Section 13A-6-60)~~ of Chapter 6 of Title 13A, ~~and under~~ or
60 Chapter 15 ~~(commencing with Section 26-15-1)~~ of Title 26.

61 "Stalking" means ~~the offenses prescribed in any offense under~~
62 ~~Sections 13A-6-90 to 13A-6-92, inclusive~~ Article 5 of Chapter 6
63 of Title 13A. "Assault" means ~~the offense prescribed in any~~
64 ~~offense under Sections 13A-6-20 to 13A-6-25, inclusive~~ Article
65 2 of Chapter 6 of Title 13A. "Harassment" means the offenses
66 prescribed in Section 13A-11-8."

67 Section 2. Sections 13A-6-95 and 13A-6-96 are added to
68 the Code of Alabama 1975, as follows:

69 §13A-6-95

70 (a) A person who, without the consent of the owner or
71 except as otherwise authorized by law, places any electronic
72 tracking device on the property of another person with the
73 intent to surveil, stalk, or harass, or for any other unlawful
74 purpose, is guilty of the crime of electronic stalking in the
75 first degree.

76 (b) (1) Except as otherwise provided in subdivision (2),
77 a violation of this section is a Class C felony.

78 (2) A person who violates this section and whose
79 conduct violates an existing domestic violence protection
80 order, elder abuse protection order, temporary restraining
81 order, or any other court order, shall be guilty of a Class B
82 felony.

83 (c) In any criminal proceeding brought pursuant to this
84 section, the crime shall be considered to have been committed

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85 in all of the following:

86 (1) The county in which any part of the crime took
87 place.

88 (2) The county where the electronic tracking device was
89 discovered.

90 (3) The county of residence of the owner of the
91 property.

92 (d) The statute of limitations shall begin at the time
93 of the discovery of the electronic tracking device.

94 §13A-6-96

95 (a) A person who, without the consent of the owner or
96 except as otherwise authorized by law, places any electronic
97 tracking device on the property of another person is guilty of
98 the crime of electronic stalking in the second degree.

99 (b) A violation of this section is a Class A
100 misdemeanor.

101 (c) In any criminal proceeding brought pursuant to this
102 section, the crime shall be considered to have been committed
103 in all of the following:

104 (1) The county in which any part of the crime took
105 place.

106 (2) The county where the electronic tracking device was
107 discovered.

108 (3) The county of residence of the owner of the
109 property.

110 (d) The statute of limitations shall begin at the time
111 of the discovery of the electronic tracking device.

112 Section 3. Although this bill would have as its purpose

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113 or effect the requirement of a new or increased expenditure of
114 local funds, the bill is excluded from further requirements
115 and application under Section 111.05 of the Constitution of
116 Alabama of 2022, because the bill defines a new crime or
117 amends the definition of an existing crime.

118 Section 4. This act shall become effective on the first
119 day of the third month following its passage and approval by
120 the Governor, or its otherwise becoming law.