SB34

KF3P55U-1

By Senator Smitherman

RFD: Judiciary

First Read: 06-Feb-24

SYNOPSIS:

Under existing law, a person commits the crime of making a terrorist threat in the first degree if he or she credibly threatens to commit a crime of violence against a person or to damage any property by the use of a bomb, explosive, weapon of mass destruction, firearm, deadly weapon, or other mechanism in certain circumstances.

This bill would add to the crime a threat made against a judge or his or her staff.

Section 111.05 of the Constitution of Alabama of 2022, 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 funds, or provides a local source of revenue, to the entity for the purpose.

The purpose or effect of this bill would be to require a new or increased expenditure of local funds within the meaning of the section. However, the bill does not require approval of a local governmental entity or enactment by a 2/3 vote to become effective

because it comes within one of the specified exceptions contained in the section.

A BILL

TO BE ENTITLED

AN ACT

Relating to crimes and offenses; to amend Section 13A-10-241, as created by Act 2023-493, 2023 Regular Session, Code of Alabama 1975, to add judges and judicial staff to activity that constitutes making a terrorist threat in the first 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 Section 111.05 of the Constitution of Alabama of 2022.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 13A-10-241, as created by Act 2023-493, 2023 Regular Session, Code of Alabama 1975, is amended to read as follow:

"§13A-10-241

(a) A person commits the crime of making a terrorist threat in the first degree when he or she, based on an objective evaluation, credibly threatens to commit a crime of violence against a person or to damage any property by use of a bomb, explosive, weapon of mass destruction, firearm, deadly weapon, or other mechanism and any of the following occurs:

(1) The threat causes the evacuation of any real

property.

(2) The threat causes the disruption of a school, church, or government activity.

(3) The threat is with intent to retaliate against the victim because of his or her involvement or participation as any of the following:

a. A witness or party in any judicial or administrative proceeding.

b. A person who produced records, documents, or other objects in a judicial or administrative proceeding.

c. A person who provided to a law enforcement officer, adult or juvenile probation officer, prosecuting attorney, or judge any information relating to the commission or possible commission of an offense under the laws of this state, of the United States, or a violation of conditions of bail, pretrial release, probation, or parole.

(4) The threat is made against a sitting judge or his or her judicial staff.

(b) The crime of making a terrorist threat in the first degree is a Class C felony.

Section 2. Although this bill would have as its purpose or effect the requirement of a new or increased expenditure of local funds, the bill is excluded from further requirements and application under Section 111.05 of the Constitution of Alabama of 2022, because the bill defines a new crime or amends the definition of an existing crime.

Section 3. This act shall become effective on October 1, 2024.