

1 HB51
2 118795-1
3 By Representative Barton
4 RFD: Judiciary
5 First Read: 01-MAR-11
6 PFD: 02/25/2011

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8 SYNOPSIS: Existing law provides for the crime of
9 indecent exposure which is a Class A misdemeanor.

10 This bill would provide that a third or
11 subsequent conviction of indecent exposure would be
12 a Class C felony.

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

26 The purpose or effect of this bill would be
27 to require a new or increased expenditure of local

1 funds within the meaning of the amendment. However,
2 the bill does not require approval of a local
3 governmental entity or enactment by a 2/3 vote to
4 become effective because it comes within one of the
5 specified exceptions contained in the amendment.

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 To amend Section 13A-6-68 of the Code of Alabama
12 1975, relating to indecent exposure; to increase the penalty
13 for a third or subsequent conviction; and in connection
14 therewith to have as its purpose or effect the requirement of
15 a new or increased expenditure of local funds within the
16 meaning of Amendment 621 of the Constitution of Alabama of
17 1901, now appearing as Section 111.05 of the Official
18 Recompilation of the Constitution of Alabama of 1901, as
19 amended.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. Section 13A-6-68 of the Code of Alabama
22 1975, is amended to read as follows:

23 "§13A-6-68.

24 "(a) A person commits the crime of indecent exposure
25 if, with intent to arouse or gratify sexual desire of himself
26 or of any person other than his spouse, he exposes his
27 genitals under circumstances in which he knows his conduct is

1 likely to cause affront or alarm in any public place or on the
2 private premises of another or so near thereto as to be seen
3 from such private premises.

4 "(b) Indecent exposure is a Class A misdemeanor
5 except a third or subsequent conviction shall be a Class C
6 felony."

7 Section 2. Although this bill would have as its
8 purpose or effect the requirement of a new or increased
9 expenditure of local funds, the bill is excluded from further
10 requirements and application under Amendment 621, now
11 appearing as Section 111.05 of the Official Recompilation of
12 the Constitution of Alabama of 1901, as amended, because the
13 bill defines a new crime or amends the definition of an
14 existing crime.

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