

1 SB148
2 134807-1
3 By Senator Orr
4 RFD: Judiciary
5 First Read: 07-FEB-12

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8 SYNOPSIS: Under existing law, the crime of criminal
9 surveillance is a Class B misdemeanor.

10 This bill would provide that a person who
11 intentionally engages in surveillance, without
12 consent and in a place where there is a reasonable
13 expectation of privacy, for the purpose of sexual
14 gratification is guilty of aggravated criminal
15 surveillance, a Class A misdemeanor.

16 This bill also would provide that a second
17 or subsequent offense of aggravated criminal
18 surveillance is a Class C felony.

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

1 specified exceptions; it is approved by the
2 affected entity; or the Legislature appropriates
3 funds, or provides a local source of revenue, to
4 the entity for the purpose.

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

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13 A BILL
14 TO BE ENTITLED
15 AN ACT
16

17 Relating to criminal surveillance; to create the
18 crime of aggravated criminal surveillance; to provide
19 penalties; and in connection therewith would have as its
20 purpose or effect the requirement of a new or increased
21 expenditure of local funds within the meaning of Amendment 621
22 of the Constitution of Alabama of 1901, now appearing as
23 Section 111.05 of the Official Recompilation of the
24 Constitution of Alabama of 1901, as amended.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

26 Section 1. (a) A person commits the crime of
27 aggravated criminal surveillance if he or she intentionally

1 engages in surveillance of an individual in any place where
2 the individual being observed has a reasonable expectation of
3 privacy, without the prior express or implied consent of the
4 individual being observed, for the purpose of sexual
5 gratification.

6 (b) Aggravated criminal surveillance is a Class A
7 misdemeanor, except if a person has a prior conviction or
8 adjudication under this section the offense is a Class C
9 felony.

10 (c) For purposes of determining prior conviction or
11 adjudication under this section, convictions in municipal
12 court shall be included.

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

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