

1 SB302  
2 136738-2  
3 By Senators Allen, Holley, Dial, Brewbaker, Waggoner, Marsh,  
4 Ward, Scofield, Whatley, Williams and Reed  
5 RFD: Judiciary  
6 First Read: 14-FEB-12

2  
3  
4 ENGROSSED

5  
6  
7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

10  
11 To create the crime of looting; to provide  
12 penalties; and in connection therewith would have as its  
13 purpose or effect the requirement of a new or increased  
14 expenditure of local funds within the meaning of Amendment 621  
15 of the Constitution of Alabama of 1901, now appearing as  
16 Section 111.05 of the Official Recompilation of the  
17 Constitution of Alabama of 1901, as amended.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. (a) For the purposes of this section, the  
20 following words have the following meaning:

21 (1) BUILDING. Any structure that may be entered and  
22 utilized by persons for business, public use, lodging, or the  
23 storage of goods. The term includes any vehicle, aircraft, or  
24 watercraft used for the lodging of persons or carrying on  
25 business therein and includes any railroad boxcar or other  
26 rail equipment or trailer or tractor trailer, or combination  
27 thereof. Where a building consists of two or more units

1 separately occupied or secure, each shall be deemed both a  
2 separate building and a part of the main building.

3 (2) STATE OF EMERGENCY. When the Governor duly  
4 proclaims the existence of conditions of disaster or of  
5 extreme peril to the safety of persons and property within the  
6 state caused by fire, flood, storm, epidemic, technological  
7 failure or accident, riot, drought, sudden and severe energy  
8 shortage, plant or animal infestation or disease, earthquake,  
9 explosion, terrorism, man-made disaster, or other conditions,  
10 other than conditions resulting from a labor controversy or  
11 conditions causing a state of war emergency, which, by reason  
12 of their magnitude, are or are likely to be beyond the control  
13 of the services, personnel, equipment, and facilities of any  
14 single county, city, or county and city and require the  
15 combined forces of a mutual aid region or regions to combat or  
16 an energy shortage which requires extraordinary measures  
17 beyond the authority vested in the Alabama Public Service  
18 Commission.

19 (b) A person commits the crime of looting if the  
20 person intentionally enters or remains with the intent to  
21 commit a crime therein and without authorization any building  
22 or real property during a state of emergency and obtains,  
23 exerts control over, damages, or removes the property of  
24 another person without lawful authority.

25 (c) The crime of looting is a Class C felony.

1           (d) The fact that a person may be subject to  
2 prosecution under this section shall not bar his or her  
3 prosecution or punishment for any other offense.

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

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
  
11  
12  
13  
14  
15  
16  
17

Senate

Read for the first time and referred to the Senate  
committee on Judiciary..... 14-FEB-12

Read for the second time and placed on the calen-  
dar 1 amendment..... 15-MAR-12

Read for the third time and passed as amended .... 22-MAR-12

Yeas 25  
Nays 0

Patrick Harris  
Secretary