

1 SB91
2 134452-1
3 By Senator Irons
4 RFD: Judiciary
5 First Read: 07-FEB-12
6 PFD: 01/18/2012

2
3
4
5
6
7
8 SYNOPSIS: Under existing law, there is no specific
9 crime of disarming a law enforcement officer.

10 This bill would establish the crime of
11 disarming a law enforcement or corrections officer.

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

25 The purpose or effect of this bill would be
26 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.

6
7 A BILL
8 TO BE ENTITLED
9 AN ACT

10
11 To establish the crime of disarming a law
12 enforcement or corrections officer; and in connection
13 therewith would have as its purpose or effect the requirement
14 of a new or increased expenditure of local funds within the
15 meaning of Amendment 621 of the Constitution of Alabama of
16 1901, now appearing as Section 111.05 of the Official
17 Recompilation of the Constitution of Alabama of 1901, as
18 amended.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. (a) A person commits the crime of
21 disarming a law enforcement or corrections officer if the
22 person intentionally removes a firearm or weapon from a law
23 enforcement or corrections officer or deprives a law
24 enforcement or corrections officer of the use of a firearm or
25 weapon when the officer is acting within the scope of his or
26 her duties and the person knows or reasonably should have

1 known that the individual is a law enforcement or corrections
2 officer.

3 (b) The crime of disarming a law enforcement or
4 corrections officer is a Class A felony.

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

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