

1 HB105  
2 147746-1  
3 By Representative Baker  
4 RFD: Education Policy  
5 First Read: 05-FEB-13  
6 PFD: 02/01/2013

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8 SYNOPSIS: Existing law provides for the crimes of  
9 criminal trespass in the first degree, second  
10 degree, and third degree.

11 This bill would establish the crime of  
12 trespass on a school bus in the first degree.

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.

6  
7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

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11 To establish the crime of trespass on a school bus  
12 in the first degree; to provide penalties; and in connection  
13 therewith to have as its purpose or effect the requirement of  
14 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 trespass on a school bus in the first degree if he or she is  
22 found guilty of doing any of the following:

23 (1) Willfully demolishing, destroying, defacing,  
24 injuring, burning, or damaging any public school bus.

25 (2) Entering a public school bus while the door is  
26 open to load or unload students, while at a railroad grade  
27 crossing, or after being forbidden from doing so by the

1 authorized school bus driver in charge of the bus, or upon  
2 demand of a principal of a school to which the bus is assigned  
3 or other duly authorized school system official.

4 (3) As an occupant of a public school bus, refusing  
5 to leave the bus on demand of the authorized school bus driver  
6 in charge of the bus, or upon demand of a principal of a  
7 school to which the bus is assigned or other duly authorized  
8 school system official.

9 (4) Willfully stopping, impeding, delaying, or  
10 detaining any public school bus being operated for public  
11 school purposes.

12 (b) The crime of trespass on a school bus in the  
13 first degree is a Class B misdemeanor.

14 (c) Subdivisions (2), (3), and (4) of subsection (a)  
15 do not apply to a child who is less than 12 years of age or to  
16 authorized school personnel who are boarding the school bus as  
17 a part of their job assignment.

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

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