

1 HB447  
2 156932-3  
3 By Representatives Laird and DeMarco  
4 RFD: Judiciary  
5 First Read: 11-FEB-14

1 ENGROSSED

2  
3  
4 A BILL  
5 TO BE ENTITLED  
6 AN ACT  
7

8 To amend Section 13A-7-22, Code of Alabama 1975,  
9 relating to the crime of criminal mischief in the second  
10 degree; to provide enhanced penalties for a second or  
11 subsequent conviction; and in connection therewith would have  
12 as its purpose or effect the requirement of a new or increased  
13 expenditure of local funds within the meaning of Amendment 621  
14 of the Constitution of Alabama of 1901, now appearing as  
15 Section 111.05 of the Official Recompilation of the  
16 Constitution of Alabama of 1901, as amended.

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

18 Section 1. Section 13A-7-22, Code of Alabama 1975,  
19 is amended to read as follows:

20 "§13A-7-22.

21 "(a) A person commits the crime of criminal mischief  
22 in the second degree if, with intent to damage property, and  
23 having no right to do so or any reasonable ground to believe  
24 that he or she has such a right, he or she inflicts damages to  
25 property in an amount which exceeds five hundred dollars  
26 (\$500) but does not exceed two thousand five hundred dollars  
27 (\$2,500).

1           "(b) Criminal mischief in the second degree is a  
2 Class A misdemeanor ~~for a first offense and a Class C felony~~  
3 ~~for a second or subsequent offense.~~"

4           A second conviction of criminal mischief in the  
5 second degree within a five-year period involving damage to a  
6 church shall carry a mandatory sentence of at least 10 days in  
7 jail. A third or subsequent offense within a five-year period  
8 involving damage to a church shall carry a mandatory sentence  
9 of at least 30 days in jail.

10           "(c) Upon conviction for criminal mischief in the  
11 second degree, the court shall order restitution which must be  
12 satisfied prior to payment of fines and costs ordered by the  
13 court.

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

22           Section 3. This act shall become effective on the  
23 first day of the third month following its passage and  
24 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

House of Representatives

Read for the first time and re-  
ferred to the House of Representa-  
tives committee on Judiciary ..... 11-FEB-14

Read for the second time and placed  
on the calendar 1 amendment ..... 25-FEB-14

Read for the third time and passed  
as amended..... 06-MAR-14

Yeas 96, Nays 2, Abstains 1

Jeff Woodard  
Clerk