

1 HB28
2 164375-2
3 By Representative Standridge
4 RFD: Judiciary
5 First Read: 03-MAR-15
6 PFD: 02/18/2015

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ENROLLED, An Act,

To amend Section 13A-7-22, Code of Alabama 1975, relating to the crime of criminal mischief in the second degree; to provide enhanced penalties for a second or subsequent conviction involving a church or other religious building, or property in the church or other religious building; to provide for restitution to the church or other religious entity to be a priority under certain conditions; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§13A-7-22.

"(a) A person commits the crime of criminal mischief in the second degree if, with intent to damage property, and having no right to do so or any reasonable ground to believe that he or she has such a right, he or she inflicts damages to property in an amount which exceeds five hundred dollars

1 (\$500) but does not exceed two thousand five hundred dollars (\$2,500).

2 "(b) (1) Criminal mischief in the second degree is a
 3 Class A misdemeanor punishable as provided by law.

4 "(2) Upon a second conviction of criminal mischief
 5 in the second degree within a five-year period involving
 6 damage to a church or other religious building, or damage to
 7 property in a church or other religious building, the
 8 defendant shall be sentenced to a mandatory minimum sentence
 9 of not less than 10 days in jail and upon a third or
 10 subsequent conviction of criminal mischief in the second
 11 degree within a five-year period involving damage to a church
 12 or other religious building, or damage to property in a church
 13 or other religious building, the defendant shall be sentenced
 14 to a mandatory minimum sentence of not less than 30 days in
 15 jail.

16 "(3) Upon conviction for criminal mischief in the
 17 second degree involving a church or other religious building
 18 or damage to property in a church or other religious building,
 19 the court shall order restitution as a first priority before
 20 the payment of fines, court costs, or other court ordered
 21 payments.

22 Section 2. Although this bill would have as its
 23 purpose or effect the requirement of a new or increased
 24 expenditure of local funds, the bill is excluded from further
 25 requirements and application under Amendment 621, now

1 appearing as Section 111.05 of the Official Recompilation of
2 the Constitution of Alabama of 1901, as amended, because the
3 bill defines a new crime or amends the definition of an
4 existing crime.

5 Section 3. All laws or parts of laws which conflict
6 with this act are repealed.

7 Section 4. This act shall become effective on the
8 first day of the third month following its passage and
9 approval by the Governor, or its otherwise becoming law.

