

1 SB416  
2 177204-1  
3 By Senator Melson  
4 RFD: Judiciary  
5 First Read: 19-APR-16

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8 SYNOPSIS: Under existing law, a person may be guilty  
9 of a trespassing crime if he or she enters or  
10 remains unlawfully on unimproved or unused land if  
11 the owner posts notice of trespass in a conspicuous  
12 manner.

13 This bill would provide that posting  
14 property in a conspicuous manner would include  
15 signs posted on the property or the placement of  
16 identifying purple paint marks on trees or posts on  
17 the property, provided the marks meet certain  
18 requirements.

19 Amendment 621 of the Constitution of Alabama  
20 of 1901, now appearing as Section 111.05 of the  
21 Official Recompilation of the Constitution of  
22 Alabama of 1901, as amended, prohibits a general  
23 law whose purpose or effect would be to require a  
24 new or increased expenditure of local funds from  
25 becoming effective with regard to a local  
26 governmental entity without enactment by a 2/3 vote  
27 unless: it comes within one of a number of

1 specified exceptions; it is approved by the  
2 affected entity; or the Legislature appropriates  
3 funds, or provides a local source of revenue, to  
4 the entity for the purpose.

5 The purpose or effect of this bill would be  
6 to require a new or increased expenditure of local  
7 funds within the meaning of the amendment. However,  
8 the bill does not require approval of a local  
9 governmental entity or enactment by a 2/3 vote to  
10 become effective because it comes within one of the  
11 specified exceptions contained in the amendment.

12  
13 A BILL  
14 TO BE ENTITLED  
15 AN ACT  
16

17 To amend Section 13A-7-1, Code of Alabama 1975,  
18 relating to definitions for crimes of trespass and burglary,  
19 to specify that the posting of property in a conspicuous  
20 manner includes signs posted on the property or the placement  
21 of identifying purple paint marks on trees or posts on the  
22 property, provided the marks meet certain requirements; and in  
23 connection therewith would have as its purpose or effect the  
24 requirement of a new or increased expenditure of local funds  
25 within the meaning of Amendment 621 of the Constitution of  
26 Alabama of 1901, now appearing as Section 111.05 of the

1 Official Recompilation of the Constitution of Alabama of 1901,  
2 as amended.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

6 "§13A-7-1.

7 "The following definitions are applicable to this  
8 article:

9 "~~(2)~~ (1) BUILDING. Any structure which may be entered  
10 and utilized by persons for business, public use, lodging or  
11 the storage of goods, and such term includes any vehicle,  
12 aircraft or watercraft used for the lodging of persons or  
13 carrying on business therein, and such term includes any  
14 railroad box car or other rail equipment or trailer or tractor  
15 trailer or combination thereof. Where a building consists of  
16 two or more units separately occupied or secure, each shall be  
17 deemed both a separate building and a part of the main  
18 building.

19 "~~(3)~~ (2) DWELLING. A building which is used or  
20 normally used by a person for sleeping, living or lodging  
21 therein.

22 "~~(4)~~ (3) ENTER OR REMAIN UNLAWFULLY. A person "enters  
23 or remains unlawfully" in or upon premises when he is not  
24 licensed, invited or privileged to do so. A person who,  
25 regardless of his intent, enters or remains in or upon  
26 premises which are at the time open to the public does so with  
27 license and privilege unless he defies a lawful order not to

1 enter or remain, personally communicated to him by the owner  
2 of such premises or other authorized person. A license or  
3 privilege to enter or remain in a building which is partly  
4 open to the public is not a license or privilege to enter or  
5 remain in that part of the building which is not open to the  
6 public. A person who enters or remains upon unimproved and  
7 apparently unused land, which is neither fenced nor otherwise  
8 enclosed in a manner designed to exclude intruders, does so  
9 with license and privileges unless notice against trespass is  
10 personally communicated to him by the owner of such land or  
11 other authorized person, or unless such notice is given by  
12 posting in a conspicuous manner.

13 "(4) POSTING IN A CONSPICUOUS MANNER. A sign or  
14 signs posted on the property, reasonably likely to come to the  
15 attention of intruders, indicating that entry is forbidden or  
16 the placement of identifying purple paint marks on trees or  
17 posts on the property, provided that the marks satisfy all of  
18 the following:

19 "a. Are vertical lines of not less than eight inches  
20 in length and not less than one inch in width.

21 "b. Are placed so that the bottom of the mark is not  
22 less than three feet from the ground or more than five feet  
23 from the ground.

24 "c. Are placed at locations that are readily visible  
25 to any person approaching the property and are no more than  
26 100 feet apart on forest land or 1,000 feet apart on land  
27 other than forest land.

1                   "~~(1)~~(5) PREMISES. Such term includes any "building,"  
2 as herein defined, and any real property."

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

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