

1 HB375
2 198853-1
3 By Representatives Simpson, England, Stringer, Robertson,
4 Chestnut, Marques, McMillan and Brown (C)
5 RFD: Judiciary
6 First Read: 09-APR-19

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8 SYNOPSIS: Under current law, violation of receiving
9 stolen property in the second degree is a Class C
10 felony.

11 This bill would include additional activity
12 that would constitute the crime of receiving stolen
13 property in the second degree.

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

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

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10 A BILL
11 TO BE ENTITLED
12 AN ACT

13
14 Relating to crimes and offenses; to amend Section
15 13A-8-18, Code of Alabama 1975, to include additional activity
16 that would constitute the crime of receiving stolen property
17 in the second degree; and in connection therewith would have
18 as its purpose or effect the requirement of a new or increased
19 expenditure of local funds within the meaning of Amendment 621
20 of the Constitution of Alabama of 1901, now appearing as
21 Section 111.05 of the Official Recompilation of the
22 Constitution of Alabama of 1901, as amended.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24 Section 1. Section 13A-8-18, Code of Alabama 1975,
25 is amended to read as follows:

26 "§13A-8-18.

1 "(a) ~~Receiving~~ Any of the following constitutes
2 receiving stolen property in the second degree:

3 "(1) ~~Which~~ Receiving stolen property which is
4 between one thousand five hundred dollars (\$1,500) in value
5 and two thousand five hundred dollars (\$2,500) in value; ~~or.~~

6 "(2) ~~Of~~ Receiving stolen property of any value under
7 the circumstances described in subdivision (b) (3) of Section
8 13A-8-16; ~~constitutes receiving stolen property in the second~~
9 ~~degree.~~

10 "(3) Receiving stolen property that is a firearm,
11 rifle, or shotgun, regardless of its value.

12 "(b) Receiving stolen property in the second degree
13 is a Class C felony."

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.