

1 HB87
2 199267-1
3 By Representative Hill
4 RFD: Judiciary
5 First Read: 04-FEB-20
6 PFD: 02/03/2020

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8 SYNOPSIS: Under existing law, theft by fraudulent
9 leasing or rental of property has a threshold
10 amount established.

11 This bill would amend the threshold amount
12 for theft by fraudulent leasing or rental of
13 property.

14 This bill would also provide for technical
15 revisions.

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

1 funds, or provides a local source of revenue, to
2 the entity for the purpose.

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

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12 A BILL
13 TO BE ENTITLED
14 AN ACT
15

16 Relating to crimes and offenses; to amend Section
17 13A-8-144, Code of Alabama 1975, to amend the threshold amount
18 for theft by fraudulent leasing or rental of property; and in
19 connection therewith would have as its purpose or effect the
20 requirement of a new or increased expenditure of local funds
21 within the meaning of Amendment 621 of the Constitution of
22 Alabama of 1901, now appearing as Section 111.05 of the
23 Official Recompilation of the Constitution of Alabama of 1901,
24 as amended.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

26 Section 1. Section 13A-8-144, Code of Alabama 1975,
27 is amended to read as follows:

1 "§13A-8-144.

2 "(a) The crime of theft by fraudulent leasing or
3 rental of property shall be a Class A misdemeanor if the
4 subject matter of the lease or rental agreement had a value of
5 one thousand five hundred dollars ~~(\$500)~~ (\$1,500) or less, ~~if.~~

6 "(b) The crime of theft by fraudulent leasing or
7 rental of property shall be a Class C felony if the value of
8 such property was in excess of one thousand five hundred
9 dollars ~~(\$500), the crime shall be a Class C felony~~ (\$1,500)."

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

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