

1 HB89
2 204420-1
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, receiving stolen
9 property offenses have threshold amounts
10 established for each offense.

11 This bill would amend the threshold amounts
12 for receiving stolen property offenses.

13 This bill would also make nonsubstantive,
14 technical revisions to update the existing code
15 language to current style.

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.

11
12 A BILL
13 TO BE ENTITLED
14 AN ACT
15

16 Relating to crimes and offenses; to amend Sections
17 13A-8-16, 13A-8-17, 13A-8-18, as last amended by Act 2019-521,
18 2019 Regular Session, 13A-8-18.1, and 13A-8-19, Code of
19 Alabama 1975, to amend the threshold amounts for receiving
20 stolen property offenses; to make nonsubstantive, technical
21 revisions to update the existing code language to current
22 style; and in connection therewith would have as its purpose
23 or effect the requirement of a new or increased expenditure of
24 local funds within the meaning of Amendment 621 of the
25 Constitution of Alabama of 1901, now appearing as Section
26 111.05 of the Official Recompilation of the Constitution of
27 Alabama of 1901, as amended.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. Sections 13A-8-16, 13A-8-17, 13A-8-18, as
3 last amended by Act 2019-521, 2019 Regular Session,
4 13A-8-18.1, and 13A-8-19, Code of Alabama 1975, are amended to
5 read as follows:

6 "§13A-8-16.

7 "(a) A person commits the crime of receiving stolen
8 property if he or she intentionally receives, retains, or
9 disposes of stolen property knowing that it has been stolen or
10 having reasonable grounds to believe it has been stolen,
11 unless the property is received, retained, or disposed of with
12 intent to restore it to the owner.

13 "(b) ~~If a~~ A person commits the crime of receiving
14 stolen property if he or she does any of the following:

15 "(1) On two separate occasions within a year prior
16 to the commission of the instant offense of receiving stolen
17 property is found in possession or control of stolen property ~~or~~
18 or.

19 "(2) Possesses goods or property which have been
20 recently stolen ~~or~~.

21 "(3) Regularly buys, sells, uses or handles in the
22 course of business property of the sort received, and acquired
23 the property without making reasonable inquiry whether the
24 person selling or delivering the property to him had a legal
25 right to do so, this shall be prima facie evidence that he has
26 the requisite knowledge or belief.

1 "(c) The fact that the person who stole the property
2 has not been convicted, apprehended or identified is not a
3 defense to a charge of receiving stolen property.

4 "§13A-8-17.

5 "(a) Receiving stolen property ~~which that~~ exceeds
6 ~~two~~ three thousand five hundred dollars ~~(\$2,500)~~ (\$3,500) in
7 value constitutes receiving stolen property in the first
8 degree.

9 "(b) Receiving stolen property in the first degree
10 is a Class B felony.

11 "§13A-8-18.

12 "(a) Any of the following constitutes receiving
13 stolen property in the second degree:

14 "(1) Receiving stolen property that ~~is between one~~
15 ~~thousand five hundred dollars (\$1,500) in value and~~ exceeds
16 two thousand five hundred dollars (\$2,500) in value, but does
17 not exceed three thousand five hundred dollars (\$3,500) in
18 value.

19 "(2) Receiving stolen property of any value under
20 the circumstances described in subdivision (b) (3) of Section
21 13A-8-16.

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

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

26 "§13A-8-18.1.

1 "(a) Receiving stolen property ~~which that~~ exceeds
2 one thousand five hundred dollars ~~(\$500)~~ (\$1,500) in value,
3 but does not exceed ~~one thousand four hundred and ninety-nine~~
4 ~~dollars~~ ~~(\$1,499)~~ two thousand five hundred dollars (\$2,500) in
5 value, constitutes receiving stolen property in the third
6 degree.

7 "(b) Receiving stolen property in the third degree
8 is a Class D felony.

9 "§13A-8-19.

10 "(a) Receiving stolen property ~~which that~~ does not
11 exceed one thousand five hundred dollars ~~(\$500)~~ (\$1,500) in
12 value constitutes receiving stolen property in the fourth
13 degree.

14 "(b) Receiving stolen property in the fourth degree
15 is a Class A misdemeanor."

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

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