HB153 ENGROSSED



- 1 XVBL77-2
- 2 By Representative Treadaway
- 3 RFD: Judiciary
- 4 First Read: 21-Mar-23

5

6 2023 Regular Session



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4	A BILL
5	TO BE ENACTED
6	AN ACT
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8	Relating to crimes and offenses; to amend Sections
9	13A-6-92 and 30-3-130, Code of Alabama 1975, to define the
10	term electronic tracking device; to add Sections 13A-6-95 and
11	13A-6-96 to the Code of Alabama 1975, to prohibit a person
12	from placing certain devices on the property of another
13	person; to prohibit a person from placing certain devices on
14	the property of another in violation of an established court
15	order; to provide for penalties; to make nonsubstantive,
16	technical revisions to update the existing code language to
17	current style; and in connection therewith would have as its
18	purpose or effect the requirement of a new or increased
19	expenditure of local funds within the meaning of Section
20	111.05 of the Constitution of Alabama of 2022.
21	BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
22	Section 1. Sections 13A-6-92 and 30-3-130, Code of
23	Alabama 1975, are amended to read as follows:
24	"§13A-6-92
25	As used in this article, the following terms shall
26	have the following meanings, respectively, unless the context
27	<pre>clearly indicates otherwise.:</pre>
28	$\frac{(a)}{(1)}$ COURSE OF CONDUCT. A pattern of conduct



- composed of a series of acts over a period of time which evidences a continuity of purpose.
 - (b) (2) CREDIBLE THREAT. A threat, expressed or implied, made with the intent and the apparent ability to carry out the threat so as to cause the person who is the target of the threat to fear for his or her safety or the safety of a family member and to cause reasonable mental anxiety, anguish, or fear.
- 37 (3) ELECTRONIC TRACKING DEVICE. An electronic or
 38 mechanical device that permits the tracking of the movement of
 39 a person or object.
 - (c) (4) HARASSES. Engages in an intentional course of conduct directed at a specified person which alarms or annoys that person, or interferes with the freedom of movement of that person, and which serves no legitimate purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial emotional distress.
- 47 Constitutionally protected conduct is not included within the definition of this term.
- (5) OWNER. An individual, other than the defendant,
 who has possession of or any other interest in the property
 involved and without whose consent the defendant has no
 authority to exert control over the property."
- **"**§30-3-130

For the purposes of this article "domestic or family abuse" means an incident resulting in the abuse, stalking, assault, harassment, or the attempt or threats thereof.



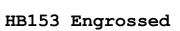
- 57 "Abuse" means any offense under Article 4 (commencing with
- 58 Section 13A-6-60) of Chapter 6 of Title 13A, and under or
- 59 Chapter 15 (commencing with Section 26-15-1) of Title 26.
- "Stalking" means the offenses prescribed in any offense under
- 61 Sections 13A-6-90 to 13A-6-92, inclusive Article 5 of Chapter 6
- of Title 13A. "Assault" means the offense prescribed in any
- offense under Sections 13A-6-20 to 13A-6-25, inclusive Article
- 2 of Chapter 6 of Title 13A. "Harassment" means the offenses
- 65 prescribed in Section 13A-11-8."
- Section 2. Sections 13A-6-95 and 13A-6-96 are added to
- the Code of Alabama 1975, as follows:
- 68 \$13A-6-95
- 69 (a) A person who, without the consent of the owner or
- 70 except as otherwise authorized by law, places any electronic
- 71 tracking device on the property of another person with the
- 72 intent to surveil, stalk, or harass, or for any other unlawful
- 73 purpose, is guilty of the crime of electronic stalking in the
- 74 first degree.
- 75 (b)(1) Except as otherwise provided in subdivision (2),
- 76 a violation of this section is a Class C felony.
- 77 (2) A person who violates this section and whose
- 78 conduct violates an existing domestic violence protection
- 79 order, elder abuse protection order, temporary restraining
- 80 order, or any other court order, shall be guilty of a Class B
- 81 felony.
- 82 (c) In any criminal proceeding brought pursuant to this
- 83 section, the crime shall be considered to have been committed
- 84 in all of the following:



85	(1) The county in which any part of the crime took
86	place.
87	(2) The county where the electronic tracking device was
88	discovered.
89	(3) The county of residence of the owner of the
90	property.
91	(d) The statute of limitations shall begin at the time
92	of the discovery of the electronic tracking device.
93	§13A-6-96
94	(a) A person who, without the consent of the owner or
95	except as otherwise authorized by law, places any electronic
96	tracking device on the property of another person is guilty of
97	the crime of electronic stalking in the second degree.
98	(b) A violation of this section is a Class A
99	misdemeanor.
100	(c) In any criminal proceeding brought pursuant to this
101	section, the crime shall be considered to have been committed
102	in all of the following:
103	(1) The county in which any part of the crime took
104	place.
105	(2) The county where the electronic tracking device was
106	discovered.
107	(3) The county of residence of the owner of the
108	property.
109	(d) The statute of limitations shall begin at the time
110	of the discovery of the electronic tracking device.
111	Section 3. Although this bill would have as its purpose
112	or effect the requirement of a new or increased expenditure of



113	local funds, the bill is excluded from further requirements
114	and application under Section 111.05 of the Constitution of
115	Alabama of 2022, because the bill defines a new crime or
116	amends the definition of an existing crime.
117	Section 4. This act shall become effective on the first
118	day of the third month following its passage and approval by
119	the Governor, or its otherwise becoming law.





120 121 122	House of Representatives
123 124 125 126	Read for the first time and referred
127 128 129 130	Read for the second time and placed05-Apr-23 on the calendar: 1 amendment
131 132 133 134 135 136 137	Read for the third time and passed
138 139 140	John Treadwell Clerk