

HB153 ENGROSSED



1 XVBL77-2
2 By Representative Treadaway
3 RFD: Judiciary
4 First Read: 21-Mar-23
5
6 2023 Regular Session



HB153 Engrossed

A BILL
TO BE ENACTED
AN ACT

Relating to crimes and offenses; to amend Sections 13A-6-92 and 30-3-130, Code of Alabama 1975, to define the term electronic tracking device; to add Sections 13A-6-95 and 13A-6-96 to the Code of Alabama 1975, to prohibit a person from placing certain devices on the property of another person; to prohibit a person from placing certain devices on the property of another in violation of an established court order; to provide for penalties; to make nonsubstantive, technical revisions to update the existing code language to current style; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Section 111.05 of the Constitution of Alabama of 2022.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 13A-6-92 and 30-3-130, Code of Alabama 1975, are amended to read as follows:

"§13A-6-92

As used in this article, the following terms ~~shall~~ have the following meanings, ~~respectively, unless the context clearly indicates otherwise.:~~

~~(a)~~ (1) COURSE OF CONDUCT. A pattern of conduct



HB153 Engrossed

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.

(3) ELECTRONIC TRACKING DEVICE. An electronic or mechanical device that permits the tracking of the movement of 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.

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.



HB153 Engrossed

"Abuse" means any offense under Article 4 ~~(commencing with Section 13A-6-60)~~ of Chapter 6 of Title 13A, ~~and under or~~ Chapter 15 ~~(commencing with Section 26-15-1)~~ of Title 26.

"Stalking" means ~~the offenses prescribed in any offense under 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 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:

§13A-6-95

(a) A person who, without the consent of the owner or except as otherwise authorized by law, places any electronic tracking device on the property of another person with the intent to surveil, stalk, or harass, or for any other unlawful purpose, is guilty of the crime of electronic stalking in the first degree.

(b) (1) Except as otherwise provided in subdivision (2), a violation of this section is a Class C felony.

(2) A person who violates this section and whose conduct violates an existing domestic violence protection order, elder abuse protection order, temporary restraining order, or any other court order, shall be guilty of a Class B felony.

(c) In any criminal proceeding brought pursuant to this section, the crime shall be considered to have been committed in all of the following:



HB153 Engrossed

(1) The county in which any part of the crime took place.

(2) The county where the electronic tracking device was discovered.

(3) The county of residence of the owner of the property.

(d) The statute of limitations shall begin at the time of the discovery of the electronic tracking device.

§13A-6-96

(a) A person who, without the consent of the owner or except as otherwise authorized by law, places any electronic tracking device on the property of another person is guilty of the crime of electronic stalking in the second degree.

(b) A violation of this section is a Class A misdemeanor.

(c) In any criminal proceeding brought pursuant to this section, the crime shall be considered to have been committed in all of the following:

(1) The county in which any part of the crime took place.

(2) The county where the electronic tracking device was discovered.

(3) The county of residence of the owner of the property.

(d) The statute of limitations shall begin at the time of the discovery of the electronic tracking device.

Section 3. Although this bill would have as its purpose or effect the requirement of a new or increased expenditure of



HB153 Engrossed

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.



HB153 Engrossed

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House of Representatives

123 Read for the first time and referred21-Mar-23
124 to the House of Representatives
125 committee on Judiciary
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127 Read for the second time and placed05-Apr-23
128 on the calendar:
129 1 amendment
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131 Read for the third time and passed27-Apr-23
132 as amended
133 Yeas 101
134 Nays 0
135 Abstains 0
136
137

138 John Treadwell
139 Clerk
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