HB174

GX9MC26-1

By Representatives Drummond, Clarke, Jones, Bracy, Shirey, Brown

RFD: Judiciary

First Read: 15-Feb-24

SYNOPSIS:

Under existing law, a person who discharges a firearm, explosive, or other weapon that discharges a dangerous projectile into an occupied dwelling, building, railroad locomotive, railroad car, aircraft, automobile, truck, or watercraft is guilty of a Class B felony.

This bill would provide that a person who discharges a firearm, explosive, or other weapon that discharges a dangerous projectile into an occupied dwelling, building, railroad locomotive, railroad car, aircraft, automobile, truck, or watercraft is guilty of a Class A felony.

Under existing law, a person who discharges a firearm, explosive, or other weapon that discharges a dangerous projectile into an unoccupied dwelling, building, railroad locomotive, railroad car, aircraft, automobile, truck, or watercraft is guilty of a Class C felony.

This bill would provide that a person who discharges a firearm, explosive, or other weapon that discharges a dangerous projectile into an unoccupied dwelling, building, railroad locomotive, railroad car, aircraft, automobile, truck, or watercraft is guilty of a Class A felony.

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

Section 111.05 of the Constitution of Alabama of 2022, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the affected entity; or the Legislature appropriates funds, or provides a local source of revenue, to the entity for the purpose.

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

A BILL

TO BE ENTITLED

AN ACT

Relating to crimes and offenses; to amend Section 13A-11-61, Code of Alabama 1975; to further provide for the

crime of discharging a firearm in certain circumstances; 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. Section 13A-11-61, Code of Alabama 1975, is amended to read as follows:

"§13A-11-61

(a) No person shall shoot or discharge a firearm, explosive, or other weapon ~~which~~ that discharges a dangerous projectile into any occupied or unoccupied dwelling ~~or~~, building ~~or~~, railroad locomotive ~~or~~, railroad car, aircraft, automobile, truck, or watercraft ~~in this state~~.

(b) Any person who commits an act prohibited by subsection (a) ~~with respect to an occupied dwelling or building or railroad locomotive or railroad car, aircraft, automobile, truck or watercraft~~ shall be ~~deemed~~ guilty of a Class ~~B~~ A felony ~~as defined by the state criminal code, and upon conviction, shall be punished as prescribed by law~~.

~~(c) Any person who commits any act prohibited by subsection (a) hereof with respect to an unoccupied dwelling or building or railroad locomotive or railroad car, aircraft, automobile, truck or watercraft shall be deemed guilty of a Class C felony as defined by the state criminal code, and upon conviction, shall be punished as prescribed by law.~~"

Section 2. Although this bill would have as its purpose or effect the requirement of a new or increased expenditure of local funds, the bill is excluded from further requirements and application under Section 111.05 of the Constitution of Alabama of 2022, because the bill defines a new crime or amends the definition of an existing crime.

Section 3. This act shall become effective on October 1, 2024.