

HB174 INTRODUCED



1 HB174
2 GX9MC26-1
3 By Representatives Drummond, Clarke, Jones, Bracy, Shirey,
4 Brown
5 RFD: Judiciary
6 First Read: 15-Feb-24



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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.



HB174 INTRODUCED

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

32 Section 111.05 of the Constitution of Alabama of
33 2022, prohibits a general law whose purpose or effect
34 would be to require a new or increased expenditure of
35 local funds from becoming effective with regard to a
36 local governmental entity without enactment by a 2/3
37 vote unless: it comes within one of a number of
38 specified exceptions; it is approved by the affected
39 entity; or the Legislature appropriates funds, or
40 provides a local source of revenue, to the entity for
41 the purpose.

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

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A BILL

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TO BE ENTITLED

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AN ACT

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Relating to crimes and offenses; to amend Section

56 13A-11-61, Code of Alabama 1975; to further provide for the



HB174 INTRODUCED

57 crime of discharging a firearm in certain circumstances; to
58 make nonsubstantive, technical revisions to update the
59 existing code language to current style; and in connection
60 therewith would have as its purpose or effect the requirement
61 of a new or increased expenditure of local funds within the
62 meaning of Section 111.05 of the Constitution of Alabama of
63 2022.

64 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

65 Section 1. Section 13A-11-61, Code of Alabama 1975, is
66 amended to read as follows:

67 "§13A-11-61

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

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

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



HB174 INTRODUCED

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

91 Section 3. This act shall become effective on October
92 1, 2024.