

**SB34 INTRODUCED**



1 SB34  
2 KF3P55U-1  
3 By Senator Smitherman  
4 RFD: Judiciary  
5 First Read: 06-Feb-24



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SYNOPSIS:

Under existing law, a person commits the crime of making a terrorist threat in the first degree if he or she credibly threatens to commit a crime of violence against a person or to damage any property by the use of a bomb, explosive, weapon of mass destruction, firearm, deadly weapon, or other mechanism in certain circumstances.

This bill would add to the crime a threat made against a judge or his or her staff.

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



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29 because it comes within one of the specified exceptions  
30 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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37 Relating to crimes and offenses; to amend Section  
38 13A-10-241, as created by Act 2023-493, 2023 Regular Session,  
39 Code of Alabama 1975, to add judges and judicial staff to  
40 activity that constitutes making a terrorist threat in the  
41 first degree; and in connection therewith would have as its  
42 purpose or effect the requirement of a new or increased  
43 expenditure of local funds within the meaning of Section  
44 111.05 of the Constitution of Alabama of 2022.

45 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

46 Section 1. Section 13A-10-241, as created by Act  
47 2023-493, 2023 Regular Session, Code of Alabama 1975, is  
48 amended to read as follow:

49 "§13A-10-241

50 (a) A person commits the crime of making a terrorist  
51 threat in the first degree when he or she, based on an  
52 objective evaluation, credibly threatens to commit a crime of  
53 violence against a person or to damage any property by use of  
54 a bomb, explosive, weapon of mass destruction, firearm, deadly  
55 weapon, or other mechanism and any of the following occurs:

56 (1) The threat causes the evacuation of any real



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57 property.

58 (2) The threat causes the disruption of a school,  
59 church, or government activity.

60 (3) The threat is with intent to retaliate against the  
61 victim because of his or her involvement or participation as  
62 any of the following:

63 a. A witness or party in any judicial or administrative  
64 proceeding.

65 b. A person who produced records, documents, or other  
66 objects in a judicial or administrative proceeding.

67 c. A person who provided to a law enforcement officer,  
68 adult or juvenile probation officer, prosecuting attorney, or  
69 judge any information relating to the commission or possible  
70 commission of an offense under the laws of this state, of the  
71 United States, or a violation of conditions of bail, pretrial  
72 release, probation, or parole.

73 (4) The threat is made against a sitting judge or his  
74 or her judicial staff.

75 (b) The crime of making a terrorist threat in the first  
76 degree is a Class C felony.

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

83 Section 3. This act shall become effective on October  
84 1, 2024.