

1 HB646
2 151500-1
3 By Representative Beckman
4 RFD: Judiciary
5 First Read: 18-APR-13

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8 SYNOPSIS: Under existing law, the receipt of stolen
9 property that exceeds \$500 in value but does not
10 exceed \$2,500 in value constitutes the crime of
11 receiving stolen property in the second degree and
12 is a Class C felony.

13 This bill would provide that the receipt of
14 a stolen firearm that does not exceed \$500 in value
15 also constitutes the crime of receiving stole
16 property in the second degree and is a Class C
17 felony.

18 Amendment 621 of the Constitution of Alabama
19 of 1901, now appearing as Section 111.05 of the
20 Official Recompilation of the Constitution of
21 Alabama of 1901, as amended, prohibits a general
22 law whose purpose or effect would be to require a
23 new or increased expenditure of local funds from
24 becoming effective with regard to a local
25 governmental entity without enactment by a 2/3 vote
26 unless: it comes within one of a number of
27 specified exceptions; it is approved by the

1 affected entity; or the Legislature appropriates
2 funds, or provides a local source of revenue, to
3 the entity for the purpose.

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

11
12 A BILL
13 TO BE ENTITLED
14 AN ACT
15

16 To amend Section 13A-8-18, Code of Alabama 1975,
17 relating to the receipt of stolen property, to provide
18 enhanced penalties for a person receiving a stolen firearm
19 that does not exceed \$500 in value; and in connection
20 therewith would have as its purpose or effect the requirement
21 of a new or increased expenditure of local funds within the
22 meaning of Amendment 621 of the Constitution of Alabama of
23 1901, now appearing as Section 111.05 of the Official
24 Recompilation of the Constitution of Alabama of 1901, as
25 amended.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Section 13A-8-18, Code of Alabama 1975,
2 is amended to read as follows:

3 "§13A-8-18.

4 "(a) Receiving stolen property:

5 "(1) Which exceeds five hundred dollars (\$500) in
6 value but does not exceed two thousand five hundred dollars
7 (\$2,500) in value; or

8 "(2) Of any value under the circumstances described
9 in subdivision (b) (3) of Section 13A-8-16; constitutes
10 receiving stolen property in the second degree; or

11 "(3) Notwithstanding subdivision (1) ~~of subsection~~
12 ~~(a)~~, receiving stolen property which exceeds two hundred fifty
13 dollars (\$250) in value but does not exceed two thousand five
14 hundred dollars (\$2,500) in value where the defendant has
15 previously been convicted of theft of property in the first or
16 second degree or receiving stolen property in the first or
17 second degree, constitutes receiving stolen property in the
18 second degree; or

19 "(4) Notwithstanding subdivision (1), receiving
20 stolen property which is a firearm that does not exceed five
21 hundred dollars (\$500) in value constitutes receiving stolen
22 property in the second degree.

23 "(b) Receiving stolen property in the second degree
24 is a Class C felony."

25 Section 2. Although this bill would have as its
26 purpose or effect the requirement of a new or increased
27 expenditure of local funds, the bill is excluded from further

1 requirements and application under Amendment 621, now
2 appearing as Section 111.05 of the Official Recompilation of
3 the Constitution of Alabama of 1901, as amended, because the
4 bill defines a new crime or amends the definition of an
5 existing crime.

6 Section 3. This act shall become effective on the
7 first day of the third month following its passage and
8 approval by the Governor, or its otherwise becoming law.