

SB8 INTRODUCED



1 SB8
2 M2PCHH1-1
3 By Senators Weaver, Gudger
4 RFD: Judiciary
5 First Read: 05-Feb-24
6 PFD: 21-Dec-23



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SYNOPSIS:

Under existing law, it is unlawful for any person to knowingly obtain or exert unauthorized control over the property of another, with intent to deprive the owner of his or her property.

This bill would provide that it is unlawful for any person to knowingly obtain or exert unauthorized control over any item mailed or shipped to another person, with intent to deprive the intended recipient of his or her property.

This bill would also 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



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29 within the meaning of the section. However, the bill
30 does not require approval of a local governmental
31 entity or enactment by a 2/3 vote to become effective
32 because it comes within one of the specified exceptions
33 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
13A-8-2, Code of Alabama 1975; to provide for theft of mail;
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.

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BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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"§13A-8-2

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(a) A person commits the crime of theft of property if
he or she does any of the following:

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(1) Knowingly obtains or exerts unauthorized control
over the property of another, with intent to deprive the owner
of his or her property~~.~~.



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57 (2) Knowingly obtains by deception control over the
58 property of another, with intent to deprive the owner of his
59 or her property~~†~~.

60 (3) Knowingly obtains or exerts control over property
61 in the custody of a law enforcement agency which was
62 explicitly represented to the person by an agent of the law
63 enforcement agency as being stolen~~†~~~~or~~.

64 (4) Knowingly obtains or exerts unauthorized control
65 over any donated item left on the property of a charitable
66 organization or in a drop box or trailer, or within 30 feet of
67 a drop box or trailer, belonging to a charitable organization.

68 (5) Knowingly obtains or exerts unauthorized control
69 over any item mailed or shipped to another person, with intent
70 to deprive the intended recipient of his or her property.

71 (b) The limitations period for any prosecution under
72 ~~subdivision (2) of~~ subsection (a) (2) does not commence or
73 begin to accrue until the discovery of the facts constituting
74 the deception, after which the prosecution shall be commenced
75 within five years."

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

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