

1 HB238
2 126786-3
3 By Representatives McCutcheon, Hurst, Treadaway, Weaver,
4 Hammon, Vance, Clouse, Newton (C), Boothe, Baker, Williams
5 (P), Faust, Brown, England, Melton, Morrow, Robinson (J),
6 Collins, Nordgren, Henry, Ball, Galliher, Wood, Sanderford,
7 Johnson (W), Ison, McClurkin, Patterson, Roberts, Baughn,
8 Farley, Tuggle, Williams (D), Burdine, Hall and Todd
9 RFD: Judiciary
10 First Read: 10-MAR-11

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ENGROSSED

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 13A-6-90 and 13A-6-91 of the Code of Alabama 1975, to designate the crimes of stalking and aggravated stalking in the first degree; to add Sections 13A-6-90.1 and 13A-6-91.1 to the Code of Alabama 1975, to provide for the crimes of stalking and aggravated stalking in the second degree; 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 Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Re Compilation of the Constitution of Alabama of 1901, as amended.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be known and may be cited as "Tracy's Law."

Section 2. Sections 13A-6-90 and 13A-6-91 of the Code of Alabama 1975, are amended to read as follows:

"§13A-6-90.

"(a) A person who intentionally and repeatedly follows or harasses another person and who makes a ~~credible~~

1 threat, either expressed or implied, with the intent to place
2 that person in reasonable fear of death or serious bodily harm
3 is guilty of the crime of stalking in the first degree.

4 "(b) The crime of stalking in the first degree is a
5 Class C felony.

6 "§13A-6-91.

7 "(a) A person who violates the provisions of Section
8 13A-6-90(a) and whose conduct in doing so also violates any
9 court order or injunction is guilty of the crime of aggravated
10 stalking in the first degree.

11 "(b) The crime of aggravated stalking in the first
12 degree is a Class B felony."

13 Section 3. Sections 13A-6-90.1 and 13A-6-91.1 are
14 added to Chapter 6 of Title 13A of the Code of Alabama 1975,
15 to read as follows:

16 §13A-6-90.1

17 (a) A person who intentionally and repeatedly
18 follows, harasses, telephones, or initiates communication,
19 verbally, electronically, or otherwise, with another person,
20 any member of the other person's immediate family, or any
21 third party with whom the other person is acquainted, and
22 causes material harm to the mental or emotional health of the
23 other person, or causes such person to reasonably fear that
24 his or her employment, business, or career is threatened, and
25 the perpetrator was previously informed to cease that conduct
26 is guilty of the crime of stalking in the second degree.

1 (b) The crime of stalking in the second degree is a
2 Class B misdemeanor.

3 §13A-6-91.1

4 (a) A person who violates the provisions of Section
5 13A-6-90.1 and whose conduct in doing so also violates any
6 court order or injunction is guilty of the crime of aggravated
7 stalking in the second degree.

8 (b) The crime of aggravated stalking in the second
9 degree is a Class C felony.

10 Section 4. Although this bill would have as its
11 purpose or effect the requirement of a new or increased
12 expenditure of local funds, the bill is excluded from further
13 requirements and application under Amendment 621, now
14 appearing as Section 111.05 of the Official Recompilation of
15 the Constitution of Alabama of 1901, as amended, because the
16 bill defines a new crime or amends the definition of an
17 existing crime.

18 Section 5. This act shall become effective on the
19 first day of the third month following its passage and
20 approval by the Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Judiciary 10-MAR-11

Read for the second time and placed
on the calendar 1 amendment 06-APR-11

Read for the third time and passed
as amended..... 05-MAY-11

Yeas 85, Nays 0, Abstains 2

Greg Pappas
Clerk