

1 HB325
2 156966-2
3 By Representative DeMarco
4 RFD: Judiciary
5 First Read: 21-JAN-14

1
2 ENROLLED, An Act,

3 To amend Sections 8-6-18, 13A-8-2, and 15-3-1, Code
4 of Alabama 1975, to increase the statute of limitations for
5 certain felonies; and to provide that the statute of
6 limitations for prosecutions of theft by deception and certain
7 securities violations do not commence or begin to accrue until
8 discovery of the facts constituting the deception.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. Sections 8-6-18, 13A-8-2, and 15-3-1,
11 Code of Alabama 1975, are amended to read as follows:

12 "§8-6-18.

13 "(a) A person who willfully violates Section 8-6-3
14 or Section 8-6-4, upon conviction, shall be guilty of a Class
15 C felony. A person that willfully violates subsection (a),
16 (b), or (c) of Section 8-6-17, upon conviction, shall be
17 guilty of a Class B felony. ~~No prosecution may be commenced~~
18 ~~under this article more than five years after the alleged~~
19 ~~violation.~~ The limitations period for any prosecution under
20 this section does not commence or begin to accrue until the
21 discovery of the facts constituting the deception, after which
22 the prosecution shall be commenced within five years.

23 "(b) A person who willfully violates any provision
24 of this chapter, other than those noted in subsection (a), or

1 a rule adopted or order issued under this chapter, upon
2 conviction, shall be guilty of a Class A misdemeanor.

3 "(c) The enforcement of the provisions of this
4 article shall be vested in the commission. It shall be the
5 duty of the commission to see that its provisions are at all
6 times obeyed and to take such measures and to make such
7 investigations as will prevent or detect the violation of any
8 provision thereof. The commission shall at once lay before the
9 district attorney of the proper county any evidence which
10 shall come to its knowledge of criminality under this article.
11 In the event of the neglect or refusal of the district
12 attorney to institute and prosecute such violation, the
13 commission shall be authorized to proceed therein with all the
14 rights, privileges, and powers conferred by law upon district
15 or court attorneys including the power to appear before grand
16 juries and to interrogate witnesses before such grand juries.

17 "(d) Nothing in this article limits the power of the
18 state to punish any person for any conduct which constitutes a
19 crime by statute or at common law.

20 "(e) In any proceeding under this article, scienter
21 need not be alleged and proved in prosecutions involving the
22 sale of unregistered securities or in the failure to register
23 as a dealer, agent, investment adviser, or investment adviser
24 representative under this article.

25 "§13A-8-2.

1 "(a) A person commits the crime of theft of property
2 if he or she:

3 "(1) Knowingly obtains or exerts unauthorized
4 control over the property of another, with intent to deprive
5 the owner of his or her property;

6 "(2) Knowingly obtains by deception control over the
7 property of another, with intent to deprive the owner of his
8 or her property;

9 "(3) Knowingly obtains or exerts control over
10 property in the custody of a law enforcement agency which was
11 explicitly represented to the person by an agent of the law
12 enforcement agency as being stolen; or

13 "(4) Knowingly obtains or exerts unauthorized
14 control over any donated item left on the property of a
15 charitable organization or in a drop box or trailer, or within
16 30 feet of a drop box or trailer, belonging to a charitable
17 organization.

18 "(b) The limitations period for any prosecution
19 under subdivision (2) of subsection (a) does not commence or
20 begin to accrue until the discovery of the facts constituting
21 the deception, after which the prosecution shall be commenced
22 within five years.

23 "§15-3-1.

24 "The Except as otherwise provided by law, the
25 prosecution of all felonies, except those specified in

1 ~~Sections 15-3-3 and 15-3-5~~ Section 15-3-3, Section 15-3-5, or
2 any other felony that has a specified limitations period, must
3 shall be commenced within ~~three~~ five years after the
4 commission of the offense."

5 Section 2. This act shall become effective on the
6 first day of the third month following its passage and
7 approval by the Governor, or its otherwise becoming law.

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 13-MAR-14.

Jeff Woodard
Clerk

Senate

03-APR-14

Passed