

# HB39 INTRODUCED



1 HB39  
2 AW2F7Q-1  
3 By Representative Givan  
4 RFD: Judiciary  
5 First Read: 06-Feb-24  
6 PFD: 12-Jan-24



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SYNOPSIS:

This bill would create the crime of virtual kidnapping and establish penalties for violations.

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 amendment. However, the bill does not require approval of a local governmental entity or enactment by a 2/3 vote to become effective because it comes within one of the specified exceptions contained in the amendment.

A BILL  
TO BE ENTITLED  
AN ACT



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29  
30 Relating to crimes and offenses; to create the crime of  
31 virtual kidnapping; to establish criminal penalties for  
32 violations; and in connection therewith would have as its  
33 purpose or effect the requirement of a new or increased  
34 expenditure of local funds within the meaning of Section  
35 111.05 of the Constitution of Alabama of 2022.

36 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

37 Section 1. (a) A person commits the crime of virtual  
38 kidnapping if he or she threatens to confine, restrain, or  
39 cause physical injury to another, or asserts that he or she  
40 has confined, restrained, or caused physical injury to  
41 another, with the intent to obtain control over the property  
42 of another.

43 (b) For purposes of determining jurisdiction of this  
44 section, the crime of virtual kidnapping shall be considered  
45 to be committed in any county in which any communication  
46 originated or was received, regardless of whether the  
47 defendant was ever present in that county.

48 (c) It shall not be a defense to virtual kidnapping  
49 that the accused had not confined, restrained, or caused  
50 physical injury to another, or never intended to confine,  
51 restrain, or cause physical injury to another.

52 (d) Virtual kidnapping is a Class C felony.

53 Section 2. Although this bill would have as its purpose  
54 or effect the requirement of a new or increased expenditure of  
55 local funds, the bill is excluded from further requirements  
56 and application under Section 111.05 of the Constitution of



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57 Alabama of 2022, because the bill defines a new crime or  
58 amends the definition of an existing crime.

59 Section 3. This act shall become effective on October  
60 1, 2024.