

1 HB793
2 118915-1
3 By Representative Irons
4 RFD: Judiciary
5 First Read: 30-MAR-10

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8 SYNOPSIS: This bill would make it a crime to
9 willfully and maliciously disable a telephone line
10 or cable or destroy a cell phone or other wireless
11 communication device for the purpose of rendering
12 it inoperable or unusable to another person. This
13 bill would provide penalties for violations.

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

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

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9 A BILL
10 TO BE ENTITLED
11 AN ACT

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13 To create the crime of obstruction of a telephone
14 line, cable, or a cell phone or other wireless communication
15 device; to provide penalties; and in connection therewith
16 would have as its purpose or effect the requirement of a new
17 or increased expenditure of local funds within the meaning of
18 Amendment 621 of the Constitution of Alabama of 1901, now
19 appearing as Section 111.05 of the Official Recompilation of
20 the Constitution of Alabama of 1901, as amended.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. (a) A person who willfully and
23 maliciously takes down, removes, injures, severs, obstructs,
24 or otherwise disables a line or cable used to transmit
25 communications by telephone or who willfully and maliciously
26 destroys a cell phone or other wireless communication device
27 for the purpose of rendering the telephone, cell phone, or

1 other wireless communication device inoperable or unusable by
2 another person is guilty of a Class A misdemeanor punishable
3 as provided by law.

4 Section 2. Although this bill would have as its
5 purpose or effect the requirement of a new or increased
6 expenditure of local funds, the bill is excluded from further
7 requirements and application under Amendment 621, now
8 appearing as Section 111.05 of the Official Recompilation of
9 the Constitution of Alabama of 1901, as amended, because the
10 bill defines a new crime or amends the definition of an
11 existing crime.

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