

1 SB114  
2 124485-1  
3 By Senator Orr  
4 RFD: Finance and Taxation General Fund  
5 First Read: 01-MAR-11

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8 SYNOPSIS: Under existing law, a person commits the  
9 crime of theft of services, if he or she  
10 intentionally obtains services, known by him or her  
11 to be available only for compensation, by  
12 deception, threat, false token, or other means to  
13 avoid payment for the services.

14 This bill would remove the requirement that  
15 the person committing the crime knew the services  
16 were available only for compensation.

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

1 funds, or provides a local source of revenue, to  
2 the entity for the purpose.

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

10  
11 A BILL  
12 TO BE ENTITLED  
13 AN ACT  
14

15 To amend Section 13A-8-10 of the Code of Alabama  
16 1975, relating to theft of services; to remove the requirement  
17 that the person committing the crime knew the services were  
18 available only for compensation; and in connection therewith  
19 to have as its purpose or effect the requirement of a new or  
20 increased expenditure of local funds within the meaning of  
21 Amendment 621 of the Constitution of Alabama of 1901, now  
22 appearing as Section 111.05 of the Official Recompilation of  
23 the Constitution of Alabama of 1901, as amended.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. Section 13A-8-10 of the Code of Alabama  
26 1975, is amended to read as follows:

27 "§13A-8-10.

1           "(a) A person commits the crime of theft of services  
2 if:

3           "(1) He intentionally obtains services ~~known by him~~  
4 ~~to be available only for compensation~~ by deception, threat,  
5 false token or other means to avoid payment for the services;  
6 or

7           "(2) Having control over the disposition of services  
8 of others to which he is not entitled, he knowingly diverts  
9 those services to his own benefit or to the benefit of another  
10 not entitled thereto.

11           "(b) "Services" includes but is not necessarily  
12 limited to labor, professional services, transportation,  
13 telephone or other public services, accommodation in motels,  
14 hotels, restaurants or elsewhere, admission to exhibitions,  
15 computer services and the supplying of equipment for use.

16           "(c) Where compensation for services is ordinarily  
17 paid immediately upon the rendering of them, as in the case of  
18 motels, hotels, restaurants and the like, absconding without  
19 payment or bona fide offer to pay is prima facie evidence  
20 under subsection (a) that the services were obtained by  
21 deception.

22           "(d) If services are obtained under subdivision (a)  
23 (1) from a hotel, motel, inn, restaurant or cafe, no  
24 prosecution can be commenced after 120 days from the time of  
25 the offense."

26           Section 2. Although this bill would have as its  
27 purpose or effect the requirement of a new or increased

1 expenditure of local funds, the bill is excluded from further  
2 requirements and application under Amendment 621, now  
3 appearing as Section 111.05 of the Official Recompilation of  
4 the Constitution of Alabama of 1901, as amended, because the  
5 bill defines a new crime or amends the definition of an  
6 existing crime.

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