SB151
184112-1
By Senator Smitherman
RFD: Judiciary
First Read: 11-JAN-18
SYNOPSIS: Existing law provides for the crime of
making a terrorist threat.

This bill would further define the crime and
specify that a person commits this crime when he or
she threatens to commit a crime of violence against
any church, synagogue, mosque, or other religious
real property, or a public or private school.

Amendment 621 of the Constitution of Alabama
of 1901, now appearing as Section 111.05 of the
Official Recompilation of the Constitution of
Alabama of 1901, as amended, 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

To amend Section 13A-10-15, Code of Alabama 1975, relating to terrorist threats; to further define the crime; 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 Recompilation of the Constitution of Alabama of 1901, as amended.
BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 13A-10-15, Code of Alabama 1975, is amended to read as follows:

"§13A-10-15.

"(a) A person commits the crime of making a terrorist threat when he or she threatens by any means to commit any a crime of violence which or to damage any property
by doing any of the following: with a bomb, explosive, weapon
of mass destruction, firearm, or other deadly weapon against
any person or property in the State of Alabama.

"(1) Intentionally or recklessly:
"a. Terrorizing another person.
"b. Causing the disruption of school activities.
"c. Causing the evacuation of a building, place of
assembly, or facility of public transportation, or other
serious public inconvenience.

"(2) With the intent to retaliate against any person
who:
"a. Attends a judicial or administrative proceeding
as a witness or party or produces records, documents, or other
objects in a judicial proceeding.
"b. Provides to a law enforcement officer, adult or
juvenile probation officer, prosecuting attorney, or judge any
information relating to the commission or possible commission
of an offense under the laws of this state, of the United
States, or a violation of conditions of bail, pretrial
release, probation, or parole.

"(b) As used in this section, the following terms
shall have the following meanings:

"(1) PROPERTY. Includes, but is not limited to, any
of the following buildings or real property:
"a. A church, mosque, synagogue, or other religious
real property.
"b. A public or private school.
"c. Any other public or private real property.

"(2) THREATEN. A person threatens another if all of the following occur:

"a. The person intentionally and knowingly makes a statement verbally, in writing, or by means of an electronic communication device.

"b. The statement is communicated to another person.

"c. The statement, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat.

"d. The statement causes the person to reasonably be in sustained fear for his or her own safety or for the object of the threat.

"(3) WEAPONS OF MASS DESTRUCTION. Any of the following:


"b. A weapon that is designed or intended to cause death or serious bodily injury through the release, dissemination, or impact of toxic or poisonous chemicals.

"c. A weapon involving a biological agent, toxin, or vector, as those terms are defined in 18 U.S.C. § 178.

"d. A weapon that is designed to release radiation or radioactivity at a level dangerous to human life.
"(c) The crime of making a terrorist threat is a Class C felony."

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

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