

1 SB310
2 136782-1
3 By Senator Brooks
4 RFD: Judiciary
5 First Read: 14-FEB-12

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8 SYNOPSIS: This bill would establish the crime of home
9 invasion if a person enters an occupied dwelling
10 with intent to use force or violence on another
11 person or to commit a robbery. The crime of home
12 invasion would be a Class A felony which would not
13 be subject to probation, parole, or a suspended
14 sentence.

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

12
13 To establish the crime of home invasion; to provide
14 criminal penalties; and in connection therewith would have as
15 its purpose or effect the requirement of a new or increased
16 expenditure of local funds within the meaning of Amendment 621
17 of the Constitution of Alabama of 1901, now appearing as
18 Section 111.05 of the Official Recompilation of the
19 Constitution of Alabama of 1901, as amended.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. This act shall be known as The Alabama
22 Home Invasion Act of 2012.

23 Section 2. (a) Home invasion is the unauthorized
24 entering, either by force, with or without a weapon, or by
25 coercion or subterfuge to gain entry, of any occupied dwelling
26 with the intent to use force or violence upon another person
27 or to commit a robbery therein.

1 (b) This section does not apply to a law enforcement
2 officer acting within the line and scope of official duties.

3 (c) A person who violates this section is guilty of
4 home invasion. Home invasion is a Class A felony which shall
5 not be subject to probation, parole, or a suspended sentence.

6 Section 3. Although this bill would have as its
7 purpose or effect the requirement of a new or increased
8 expenditure of local funds, the bill is excluded from further
9 requirements and application under Amendment 621, now
10 appearing as Section 111.05 of the Official Recompilation of
11 the Constitution of Alabama of 1901, as amended, because the
12 bill defines a new crime or amends the definition of an
13 existing crime.

14 Section 4. This act shall become effective on the
15 first day of the third month following its passage and
16 approval by the Governor, or its otherwise becoming law.