

1 SB391  
2 156366-1  
3 By Senators Fielding, Marsh, Waggoner, Ward, and Orr  
4 RFD: Judiciary  
5 First Read: 20-FEB-14

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8 SYNOPSIS: Under existing law, theft of property in the  
9 first degree, a Class B felony, is the theft of  
10 property which exceeds \$2,500 in value or property  
11 of any value taken from the person of another.

12 This bill would create the crime of  
13 aggravated theft of property, a Class A felony, to  
14 include the theft of property that exceeds \$100,000  
15 in value or the theft of property that exceeds  
16 \$50,000 of public money or revenue of state,  
17 counties, or municipalities.

18 This bill would also specify that the  
19 prosecution of the offense of aggravated theft of  
20 property must be commenced within six years after  
21 the commission of the offense and would also  
22 exclude offenses involving theft or conversion of  
23 securities from the three-year statute of  
24 limitations for certain felonies.

25 Amendment 621 of the Constitution of Alabama  
26 of 1901, now appearing as Section 111.05 of the  
27 Official Recompilation of the Constitution of

1 Alabama of 1901, as amended, prohibits a general  
2 law whose purpose or effect would be to require a  
3 new or increased expenditure of local funds from  
4 becoming effective with regard to a local  
5 governmental entity without enactment by a 2/3 vote  
6 unless: it comes within one of a number of  
7 specified exceptions; it is approved by the  
8 affected entity; or the Legislature appropriates  
9 funds, or provides a local source of revenue, to  
10 the entity for the purpose.

11 The purpose or effect of this bill would be  
12 to require a new or increased expenditure of local  
13 funds within the meaning of the amendment. However,  
14 the bill does not require approval of a local  
15 governmental entity or enactment by a 2/3 vote to  
16 become effective because it comes within one of the  
17 specified exceptions contained in the amendment.

18  
19 A BILL

20 TO BE ENTITLED

21 AN ACT

22  
23 To add Section 13A-8-2.1 to the Code of Alabama  
24 1975, relating to theft of property; to create the crime of  
25 aggravated theft of property and to provide penalties; to  
26 amend Section 13A-8-3, Code of Alabama 1975, relating to theft  
27 of property in the first degree, to make conforming changes;

1 to amend Section 15-3-1, Code of Alabama 1975, to provide a  
2 limitation for prosecution of aggravated theft of property; to  
3 further provide for the limitation period for the conversion  
4 of securities; and in connection therewith would have as its  
5 purpose or effect the requirement of a new or increased  
6 expenditure of local funds within the meaning of Amendment 621  
7 of the Constitution of Alabama of 1901, now appearing as  
8 Section 111.05 of the Official Recompilation of the  
9 Constitution of Alabama of 1901, as amended.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. Section 13A-8-2.1 is added to the Code of  
12 Alabama 1975, to read as follows:

13 §13A-8-2.1.

14 (a) The theft of property that exceeds one hundred  
15 thousand dollars (\$100,000) in value or the theft of property  
16 that exceeds fifty thousand dollars (\$50,000) of public money  
17 or revenue of any state, county, or municipal government  
18 agency or department, or any governmental subdivision thereof,  
19 constitutes aggravated theft of property.

20 (b) Aggravated theft of property is a Class A  
21 felony.

22 Section 2. Sections 13A-8-3 and 15-3-1, Code of  
23 Alabama 1975, are amended to read as follows:

24 "§13A-8-3.

25 "(a) The theft of property which exceeds two  
26 thousand five hundred dollars (\$2,500) in value, except as  
27 provided in Section 13A-8-2.1, or property of any value taken

1 from the person of another, constitutes theft of property in  
2 the first degree.

3 "(b) The theft of a motor vehicle, regardless of its  
4 value, constitutes theft of property in the first degree.

5 "(c) (1) The theft of property which involves all of  
6 the following constitutes theft of property in the first  
7 degree:

8 "a. The theft is a common plan or scheme by one or  
9 more persons; and

10 "b. The object of the common plan or scheme is to  
11 sell or transfer the property to another person or business  
12 that buys the property with knowledge or reasonable belief  
13 that the property is stolen; and

14 "c. The aggregate value of the property stolen is at  
15 least one thousand dollars (\$1,000) within a 180-day period.

16 "(2) If the offense under this subsection involves  
17 two or more counties, prosecution may be commenced in any one  
18 of those counties in which the offense occurred or in which  
19 the property was disposed.

20 "(d) Theft of property in the first degree is a  
21 Class B felony.

22 "§15-3-1.

23 "(a) The prosecution of all felonies, except those  
24 specified in Sections 15-3-3 ~~and or~~ 15-3-5, or any offense  
25 involving theft of securities, must be commenced within three  
26 years after the commission of the offense.

1           "(b) The prosecution of aggravated theft of property  
2 under Section 13A-8-2.1, or any offense involving theft of  
3 securities, shall be commenced within six years after the  
4 commission of the offense."

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

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