

1 SB53  
2 214792-1  
3 By Senator Allen  
4 RFD: Governmental Affairs  
5 First Read: 11-JAN-22

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8       SYNOPSIS:               Under existing law, an entity exercising  
9                               control of public property on which an  
10                              architecturally significant building, memorial  
11                              building, memorial school, memorial street, or  
12                              monument is located is subject to certain  
13                              prohibitions against relocating, removing,  
14                              altering, renaming, or otherwise disturbing the  
15                              building, school, street, or monument.

16                              This bill would provide criminal penalties  
17                              against a person who mars, marks, defaces, or  
18                              damages a monument located on public property,  
19                              except as authorized or as otherwise provided by  
20                              law.

21                              Amendment 621 of the Constitution of Alabama  
22                              of 1901, as amended by Amendment 890, now appearing  
23                              as Section 111.05 of the Official Recompilation of  
24                              the Constitution of Alabama of 1901, as amended,  
25                              prohibits a general law whose purpose or effect  
26                              would be to require a new or increased expenditure  
27                              of local funds from becoming effective with regard

1 to a local governmental entity without enactment by  
2 a 2/3 vote unless: it comes within one of a number  
3 of specified exceptions; it is approved by the  
4 affected entity; or the Legislature appropriates  
5 funds, or provides a local source of revenue, to  
6 the entity for the purpose.

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

14  
15 A BILL  
16 TO BE ENTITLED  
17 AN ACT

18  
19 Relating to crimes and offenses; to prohibit a  
20 person from damaging a public monument; to provide criminal  
21 penalties for a violation; and in connection therewith would  
22 have as its purpose or effect the requirement of a new or  
23 increased expenditure of local funds within the meaning of  
24 Amendment 621 of the Constitution of Alabama of 1901, as  
25 amended by Amendment 890, now appearing as Section 111.05 of  
26 the Official Recompilation of the Constitution of Alabama of  
27 1901, as amended.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. (a) Except as otherwise authorized by  
3 law, and except as otherwise provided under Section 41-9-235,  
4 Code of Alabama 1975, for entities exercising control of  
5 public property, a person commits the crime of damaging a  
6 monument if, with intent to damage property and while  
7 participating in a riot, aggravated riot, or unlawful  
8 assembly, he or she mars, marks, defaces, or damages a  
9 monument, as defined under Section 41-9-231, located on public  
10 property.

11 (b) Damaging a public monument in the first degree  
12 is a Class B felony.

13 Section 2. (a) Except as otherwise authorized by  
14 law, and except as otherwise provided under Section 41-9-235,  
15 Code of Alabama 1975, for entities exercising control of  
16 public property, a person commits the crime of damaging a  
17 monument in the second degree if, with intent to damage  
18 property, he or she mars, marks, defaces, or damages a  
19 monument, as defined under Section 41-9-231, located on public  
20 property.

21 (b) Damaging a public monument in the second degree  
22 is a Class C felony.

23 Section 3. Although this bill would have as its  
24 purpose or effect the requirement of a new or increased  
25 expenditure of local funds, the bill is excluded from further  
26 requirements and application under Amendment 621, as amended  
27 by Amendment 890, now appearing as Section 111.05 of the

1 Official ReCompilation of the Constitution of Alabama of 1901,  
2 as amended, because the bill defines a new crime or amends the  
3 definition of an existing crime.

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