

1 HB29
2 148955-4
3 By Representative Wood
4 RFD: Judiciary
5 First Read: 14-JAN-14
6 PFD: 10/18/2013

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8 SYNOPSIS: Under existing law, a defendant convicted of
9 a Class A felony in which a firearm or deadly
10 weapon was used or a defendant convicted of a Class
11 A felony criminal sex offense is required to be
12 sentenced to not less than 20 years in prison and a
13 defendant convicted of a Class B or C felony in
14 which a firearm or deadly weapon was used or a
15 defendant convicted of a Class B felony criminal
16 sex offense is required to be sentenced to not less
17 than 10 years in prison.

18 This bill would provide that the same
19 mandatory minimum sentences if a convicted
20 defendant was wearing a bulletproof vest, body
21 armor, or any other ballistic protection at the
22 time of commission of the crime and make certain
23 conforming code changes.

24 Amendment 621 of the Constitution of Alabama
25 of 1901, now appearing as Section 111.05 of the
26 Official Recompilation of the Constitution of
27 Alabama of 1901, as amended, prohibits a general

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

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

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18 A BILL
19 TO BE ENTITLED
20 AN ACT

21
22 Relating to crimes and offenses; relating to the
23 sentences of imprisonment for felonies; to provide for certain
24 mandatory minimum sentences of imprisonment if the defendant
25 at the time of commission of the crime was wearing a
26 bulletproof vest, body armor, or any other ballistic
27 protection; and in connection therewith would have as its

1 purpose or effect the requirement of a new or increased
2 expenditure of local funds within the meaning of Amendment 621
3 of the Constitution of Alabama of 1901, now appearing as
4 Section 111.05 of the Official ReCompilation of the
5 Constitution of Alabama of 1901, as amended.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. Section 13A-5-6 of the Code of Alabama
8 1975, is amended to read as follows:

9 "§13A-5-6.

10 "(a) Sentences for felonies shall be for a definite
11 term of imprisonment, which imprisonment includes hard labor,
12 within the following limitations:

13 "(1) For a Class A felony, for life or not more than
14 99 years or less than 10 years.

15 "(2) For a Class B felony, not more than 20 years or
16 less than 2 years.

17 "(3) For a Class C felony, not more than 10 years or
18 less than 1 year and 1 day.

19 "(4) For a Class A felony in which the defendant was
20 wearing a bulletproof vest, body armor, or any other ballistic
21 protection at the time of commission of the felony or a
22 firearm or deadly weapon was used or attempted to be used in
23 the commission of the felony, or for a Class A felony ~~criminal~~
24 sex offense involving a child as defined in Section
25 ~~15-20-21(5)~~ 15-20A-4 (26), not less than 20 years.

26 "(5) For a Class B or C felony in which the
27 defendant was wearing a bulletproof vest, body armor, or any

1 other ballistic protection at the time of commission of the
2 felony or a firearm or deadly weapon was used or attempted to
3 be used in the commission of the felony, or for a Class B
4 felony ~~criminal~~ sex offense involving a child as defined in
5 Section ~~15-20-21(5)~~ 15-20A-4 (26), not less than 10 years.

6 "(b) The actual time of release within the
7 limitations established by subsection (a) of this section
8 shall be determined under procedures established elsewhere by
9 law.

10 "(c) In addition to any penalties heretofore or
11 hereafter provided by law, in all cases where an offender is
12 designated as a sexually violent predator pursuant to Section
13 ~~15-20-25.3~~ 15-20A-19, or where an offender is convicted of a
14 Class A felony ~~criminal~~ sex offense involving a child as
15 defined in Section ~~15-20-21(5)~~ 15-20A-4 (26), and is sentenced
16 to a county jail or the Alabama Department of Corrections, the
17 sentencing judge shall impose an additional penalty of not
18 less than 10 years of post-release supervision to be served
19 upon the defendant's release from incarceration.

20 "(d) In addition to any penalties heretofore or
21 hereafter provided by law, in all cases where an offender is
22 convicted of a sex offense pursuant to Section 13A-6-61,
23 13A-6-63, or 13A-6-65.1, when the defendant was 21 years of
24 age or older and the victim was six years of age or less at
25 the time the offense was committed, the defendant shall be
26 sentenced to life imprisonment without the possibility of
27 parole."

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

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