

1 HB501
2 156384-1
3 By Representative Wood
4 RFD: Judiciary
5 First Read: 18-FEB-14

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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.

17
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 a firearm or
20 deadly weapon was used or attempted to be used in the
21 commission of the felony, or for a Class A felony ~~criminal~~ sex
22 offense involving a child as defined in Section ~~15-20-21(5)~~
23 15-20A-4(26), not less than 20 years.

24 "(5) For a Class A felony in which a firearm or
25 deadly weapon was used or attempted to be used in the
26 commission of the felony and in which the defendant was
27 wearing a bulletproof vest, body armor, or any other ballistic

1 material for the purpose of protection at the time of the
2 commission of the felony, not less than 25 years.

3 ~~"(5)~~ (6) For a Class B or C felony in which a firearm
4 or deadly weapon was used or attempted to be used in the
5 commission of the felony, or for a Class B felony ~~criminal~~ sex
6 offense involving a child as defined in Section ~~15-20-21(5)~~
7 15-20A-4(26), not less than 10 years.

8 "(7) For a Class B or C felony in which a firearm or
9 deadly weapon was used or attempted to be used in the
10 commission of the felony and in which the defendant was
11 wearing a bulletproof vest, body armor, or any other ballistic
12 material for the purpose of protection at the time of the
13 commission of the felony, not less than 5 years.

14 "(b) The actual time of release within the
15 limitations established by subsection (a) of this section
16 shall be determined under procedures established elsewhere by
17 law.

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

1 "(d) In addition to any penalties heretofore or
2 hereafter provided by law, in all cases where an offender is
3 convicted of a sex offense pursuant to Section 13A-6-61,
4 13A-6-63, or 13A-6-65.1, when the defendant was 21 years of
5 age or older and the victim was six years of age or less at
6 the time the offense was committed, the defendant shall be
7 sentenced to life imprisonment without the possibility of
8 parole."

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

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