

1 HB407
2 175632-1
3 By Representatives South, Jones, Farley, Ball, England,
4 Boothe, Rowe and Treadaway
5 RFD: Public Safety and Homeland Security
6 First Read: 15-MAR-16

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8 SYNOPSIS: Under existing law a person commits the
9 crime of menacing, a Class B misdemeanor, if he or
10 she, by physical action, intentionally places or
11 attempts to place another person in fear of
12 imminent serious physical injury.

13 This bill would provide that menacing by
14 threatening a law enforcement officer with a
15 pistol, firearm, or other deadly weapon is a Class
16 C felony.

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

1 funds, or provides a local source of revenue, to
2 the entity for the purpose.

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

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11 A BILL
12 TO BE ENTITLED
13 AN ACT
14

15 To amend Section 13A-6-23, Code of Alabama 1975,
16 relating to menacing, to provide an enhanced criminal penalty
17 for threatening a law enforcement officer with a pistol,
18 firearm, or other deadly weapon; and in connection therewith
19 would have as its purpose or effect the requirement of a new
20 or increased expenditure of local funds within the meaning of
21 Amendment 621 of the Constitution of Alabama of 1901, now
22 appearing as Section 111.05 of the Official Recompilation of
23 the Constitution of Alabama of 1901, as amended.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. Section 13A-6-23, Code of Alabama 1975,
26 is amended to read as follows:

27 "§13A-6-23.

1 "(a) A person commits the crime of menacing if, by
2 physical action, he or she intentionally places or attempts to
3 place another person in fear of imminent serious physical
4 injury.

5 "(b) Menacing is a Class B misdemeanor, unless the
6 person threatens a law enforcement officer, as defined in
7 Section 36-21-40, Code of Alabama 1975, with a pistol,
8 firearm, or other deadly weapon, in which case, it is a Class
9 C felony.

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

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