

1 HB415  
2 148955-1  
3 By Representative Wood  
4 RFD: Judiciary  
5 First Read: 07-MAR-13

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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.

23 Amendment 621 of the Constitution of Alabama  
24 of 1901, now appearing as Section 111.05 of the  
25 Official Recompilation of the Constitution of  
26 Alabama of 1901, as amended, prohibits a general  
27 law whose purpose or effect would be to require a

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

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

16  
17 A BILL  
18 TO BE ENTITLED  
19 AN ACT

20  
21 Relating to crimes and offenses; relating to the  
22 sentences of imprisonment for felonies; to provide for certain  
23 mandatory minimum sentences of imprisonment if the defendant  
24 at the time of commission of the crime was wearing a  
25 bulletproof vest, body armor, or any other ballistic  
26 protection; and in connection therewith would have as its  
27 purpose or effect the requirement of a new or increased

1 expenditure of local funds within the meaning of Amendment 621  
2 of the Constitution of Alabama of 1901, now appearing as  
3 Section 111.05 of the Official Recompilation of the  
4 Constitution of Alabama of 1901, as amended.

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

8 "§13A-5-6.

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

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

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

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

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

25 "(5) For a Class B or C felony in which the  
26 defendant was wearing a bulletproof vest, body armor, or any  
27 other ballistic protection at the time of commission of the

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

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

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

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