

ACT No. 2006-297

1 SB229  
2 78976-3  
3 By Senator Smitherman  
4 RFD: Judiciary  
5 First Read: 12-JAN-06



1 SB229

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4 ENROLLED, An Act,

5 Relating to theft of property in the second degree;

6 amending Section 13A-8-4 of the Code of Alabama of 1975, as

7 last amended by Act 2004-627, to adjust the monetary range of

8 the offense to conform with other theft of property offenses

9 and in instances of prior offenses to restore the alternative

10 element concerning a defendant who has been previously

11 convicted of receiving stolen property in the first or second

12 degree; and in connection therewith would have as its purpose

13 or effect the requirement of a new or increased expenditure of

14 local funds within the meaning of Amendment 621 of the

15 Constitution of Alabama of 1901.

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

17 Section 1. Section 13A-8-4 of the Code of Alabama

18 1975, as last amended by Act 2004-627, is amended to read as

19 follows:

20 "§13A-8-4.

21 "(a) The theft of property which exceeds five

22 hundred dollars (\$500) in value but does not exceed two

23 thousand five hundred dollars (\$2,500) in value, and which is

24 not taken from the person of another, constitutes theft of

25 property in the second degree.

1           "(b) Theft of property in the second degree is a  
2 Class C felony.

3           "(c) The theft of a credit card or a debit card,  
4 regardless of its value, constitutes theft of property in the  
5 second degree.

6           "(d) The theft of a firearm, rifle, or shotgun,  
7 regardless of its value, constitutes theft of property in the  
8 second degree.

9           "(e) The theft of any substance controlled by  
10 Chapter 2 of Title 20 or any amendments thereto, regardless of  
11 value, constitutes theft of property in the second degree.

12           "(f) The theft of any livestock which includes  
13 cattle, swine, equine or equidae, or sheep, regardless of  
14 their value, constitutes theft of property in the second  
15 degree.

16           "(g) Notwithstanding subsection (a), the theft of  
17 property which exceeds two hundred fifty dollars (\$250) in  
18 value but does not exceed two thousand five hundred dollars  
19 (\$2,500) in value, and which is not taken from the person of  
20 another, where the defendant has previously been convicted of  
21 a theft of property in the first or second degree or receiving  
22 stolen property in the first or second degree, constitutes  
23 theft of property in the second degree."

24           Section 2. Although this bill would have as its  
25 purpose or effect the requirement of a new or increased

1 expenditure of local funds, the bill is excluded from further  
2 requirements and application under Amendment 621 because the  
3 bill defines a new crime or amends the definition of an  
4 existing crime.

5 Section 3. This act shall become effective  
6 immediately following its passage and approval by the  
7 Governor, or its otherwise becoming law.

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*Lucy Baxley*

President and Presiding Officer of the Senate

*Art. Huff*

Speaker of the House of Representatives

SB229

Senate 07-FEB-06

I hereby certify that the within Act originated in and passed the Senate.

McDowell Lee  
Secretary

House of Representatives  
Passed: 30-MAR-06

By: Senator Smitherman

APPROVED April 4, 2006

TIME 8:35 a.m.

*Bob Riley*  
GOVERNOR

Alabama Secretary of State

Act Num....: 2006-297  
Bill Num....: S-229

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