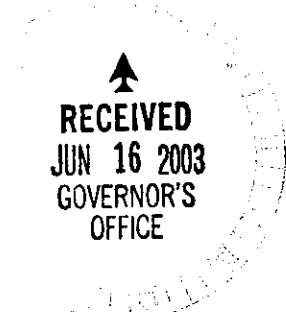


ACT No. 2003- 355

1 HB491
2 52927-10
3 By Representative Black (M)
4 RFD: Judiciary
5 First Read: 03-APR-03



1
2 ENROLLED, An Act,

3 Relating to theft crimes and certain other crimes
4 based on monetary value; to amend Section 13A-8-2, Code of
5 Alabama 1975, relating to the definition of theft of property;
6 to amend Section 13A-8-3, Code of Alabama 1975, relating to
7 theft of property in the first degree; Section 13A-8-7, Code
8 of Alabama 1975, relating to theft of lost property in the
9 first degree; Section 13A-8-10.1, Code of Alabama 1975,
10 relating to theft of services in the first degree; and Section
11 13A-8-17, Code of Alabama 1975, relating to receiving stolen
12 property in the first degree, all Class B felonies, to
13 increase the value of the property stolen or received to more
14 than \$2,500; to amend Section 13A-8-4, Code of Alabama 1975,
15 relating to theft of property in the second degree; Section
16 13A-8-8, Code of Alabama 1975, relating to theft of lost
17 property in the second degree; Section 13A-8-10.2, Code of
18 Alabama 1975, relating to theft of services in the second
19 degree; Section 13A-8-18, Code of Alabama 1975, relating to
20 receiving stolen property in the second degree; and Section
21 13A-8-23, Code of Alabama 1975, relating to felony utility
22 theft, all Class C felonies, to increase the value of the
23 property stolen or received to property valued over \$500, but
24 less than \$2,500; to amend Section 13A-8-4, Code of Alabama
25 1975, by deleting subsection (g) establishing a different

1 amount for repeat felony theft offenders subsequently
2 convicted of committing the offense of theft of property in
3 the second degree; to amend Section 13A-8-1, Code of Alabama
4 1975, relating to the definition of value, to further provide
5 for the value of property that cannot be ascertained; Section
6 13A-8-5, Code of Alabama 1975, relating to theft of property
7 in the third degree; Section 13A-8-9, Code of Alabama 1975,
8 relating to theft of lost property in the third degree;
9 Section 13A-8-10.3, Code of Alabama 1975, relating to theft of
10 services in the third degree; Section 13A-8-19, Code of
11 Alabama 1975, relating to receiving stolen property in the
12 third degree; and Section 13A-8-23, Code of Alabama 1975,
13 relating to misdemeanor utility theft, second degree, all
14 Class A misdemeanors, to increase the value of the property
15 involved to \$500 or less; and to further amend Section
16 13A-7-21, Code of Alabama 1975, relating to the crime of
17 criminal mischief in the first degree; Section 13A-7-22, Code
18 of Alabama 1975, relating to criminal mischief in the second
19 degree; Section 13A-7-23, Code of Alabama 1975, relating to
20 criminal mischief in the third degree; Section 13A-8-72, Code
21 of Alabama 1975, relating to defacement of public property;
22 Section 13A-8-102, Code of Alabama 1975, relating to offenses
23 against intellectual property; Section 13A-8-144, Code of
24 Alabama 1975, relating to fraudulent leasing or rental of
25 property; Section 13A-8-192, Code of Alabama 1975, relating to

1 identity theft in the first and second degrees; Section
 2 13A-9-73, Code of Alabama 1975, relating to charitable fraud
 3 in the first degree; Section 13A-9-74, Code of Alabama 1975,
 4 relating to charitable fraud in the second degree; Section
 5 13A-9-75, Code of Alabama 1975, relating to charitable fraud
 6 in the third degree; Section 13A-9-91, Code of Alabama 1975,
 7 relating to illegal possession of food stamps in the first
 8 degree; Section 13A-9-91, Code of Alabama 1975, relating to
 9 illegal possession of food stamps in the second degree; and
 10 Section 13A-9-91, Code of Alabama 1975, relating to illegal
 11 possession of food stamps in the third degree, to amend the
 12 property values in these offenses to values comparable with
 13 the property values in the theft statutes; and in connection
 14 therewith would have as its purpose or effect the requirement
 15 of a new or increased expenditure of local funds within the
 16 meaning of Amendment 621 of the Constitution of Alabama of
 17 1901.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. Sections 13A-7-21, 13A-7-22, 13A-7-23,
 20 13A-8-1, 13A-8-3, 13A-8-4, 13A-8-5, 13A-8-7, 13A-8-8, 13A-8-9,
 21 13A-8-10.1, 13A-8-10.2, 13A-8-10.3, 13A-8-17, 13A-8-18,
 22 13A-8-19, 13A-8-23, 13A-8-72, 13A-8-102, 13A-8-144, 13A-8-192,
 23 13A-9-73, 13A-9-74, 13A-9-75, and 13A-9-91, Code of Alabama
 24 1975, are amended to read as follows:

25 "§13A-7-21.

1 "(a) A person commits the crime of criminal mischief
2 in the first degree if, with intent to damage property, and
3 having no right to do so or any reasonable ground to believe
4 that he or she has such a right, he or she inflicts damages to
5 property:

6 "(1) In an amount exceeding ~~\$1,000.00~~ two thousand
7 five hundred dollars (\$2,500); or

8 "(2) By means of an explosion.

9 "(b) Criminal mischief in the first degree is a
10 Class C felony.

11 "§13A-7-22.

12 "(a) A person commits the crime of criminal mischief
13 in the second degree if, with intent to damage property, and
14 having no right to do so or any reasonable ground to believe
15 that he or she has such a right, he or she inflicts damages to
16 property in an amount which exceeds ~~\$250.00~~ five hundred
17 dollars (\$500) but does not exceed ~~\$1,000.00~~ two thousand five
18 hundred dollars (\$2,500).

19 "(b) Criminal mischief in the second degree is a
20 Class A misdemeanor.

21 "§13A-7-23.

22 "(a) A person commits the crime of criminal mischief
23 in the third degree if, with intent to damage property, and
24 having no right to do so or any reasonable ground to believe
25 that he or she has such a right, he or she inflicts damages to

1 property in an amount not exceeding ~~\$250.00~~ five hundred
2 dollars (\$500).

3 "(b) Criminal mischief in the third degree is a
4 Class B misdemeanor.

5 "\$13A-8-1.

6 "The following definitions are applicable in this
7 article unless the context otherwise requires:

8 "(1) DECEPTION occurs when a person knowingly:

9 "a. Creates or confirms another's impression which
10 is false and which the defendant does not believe to be true;
11 or

12 "b. Fails to correct a false impression which the
13 defendant previously has created or confirmed; or

14 "c. Fails to correct a false impression when the
15 defendant is under a duty to do so; or

16 "d. Prevents another from acquiring information
17 pertinent to the disposition of the property involved; or

18 "e. Sells or otherwise transfers or encumbers
19 property, failing to disclose a lien, adverse claim, or other
20 legal impediment to the enjoyment of the property when the
21 defendant is under a duty to do so, whether that impediment is
22 or is not valid, or is not a matter of official record; or

23 "f. Promises performance which the defendant does
24 not intend to perform or knows will not be performed. Failure

1 to perform, standing alone, however, is not proof that the
2 defendant did not intend to perform.

3 "The term "deception" does not, however, include
4 falsity as to matters having no pecuniary significance, or
5 puffing by statements unlikely to deceive ordinary persons.
6 "Puffing" means an exaggerated commendation of wares or
7 services.

8 "(2) To "DEPRIVE ..." means:

9 "a. To withhold property or cause it to be withheld
10 from a person permanently or for such period or under such
11 circumstances that all or a portion of its use or benefit
12 would be lost to him or her; or

13 "b. To dispose of the property so as to make it
14 unlikely that the owner would recover it; or

15 "c. To retain the property with intent to restore it
16 to the owner only if the owner purchases or leases it back, or
17 pays a reward or other compensation for its return; or

18 "d. To sell, give, pledge, or otherwise transfer any
19 interest in the property; or

20 "e. To subject the property to the claim of a person
21 other than the owner.

22 "(3) FINANCIAL INSTITUTION. A bank, insurance
23 company, credit union, safety deposit company, savings and
24 loan association, investment trust, or other organization held

1 out to the public as a place of deposit of funds or medium of
2 savings or collective investment.

3 "(4) FIREARM. A weapon from which a shot is
4 discharged by gunpowder.

5 "(5) GOVERNMENT. The United States, any state or any
6 county, municipality, or other political unit within territory
7 belonging to the United States, or any department, agency, or
8 subdivision of any of the foregoing, or any corporation or
9 other association carrying out the functions of government, or
10 any corporation or agency formed pursuant to interstate
11 compact or international treaty.

12 "As used in this definition "state" includes any
13 state, territory, or possession of the United States, the
14 District of Columbia, and the Commonwealth of Puerto Rico.

15 "(6) OBTAINS. Such term means:

16 "a. In relation to property, to bring about a
17 transfer or purported transfer of a legally recognized
18 interest in the property, whether to the obtainer or another;
19 or

20 "b. In relation to labor or service, to secure
21 performance thereof.

22 "(7) OBTAINS OR EXERTS CONTROL or OBTAINS OR EXERTS
23 UNAUTHORIZED CONTROL over property includes but is not
24 necessarily limited to the taking, carrying away, or the sale,
25 conveyance, or transfer of title to, or interest in, or

1 possession of, property, and includes but is not necessarily
2 limited to conduct heretofore defined or known as common law
3 larceny by trespassory taking, common law larceny by trick,
4 larceny by conversion, embezzlement, extortion, or obtaining
5 property by false pretenses.

6 "(8) OWNER. A person, other than the defendant, who
7 has possession of or any other interest in the property
8 involved, even though that interest or possession is unlawful,
9 and without whose consent the defendant has no authority to
10 exert control over the property.

11 "A secured party, as defined in Section
12 7-9A-102(a)(72), is not an owner in relation to a defendant
13 who is a debtor, as defined in Section 7-9A-102(a)(28), in
14 respect of property in which the secured party has a security
15 interest, as defined in Section 7-1-201(37).

16 "(9) PROPELLED VEHICLE. Any propelled device in,
17 upon, or by which any person or property is transported on
18 land, water, or in the air, and such term includes motor
19 vehicles, motorcycles, motorboats, aircraft, and any vessel
20 propelled by machinery, whether or not that machinery is the
21 principal source of propulsion.

22 "(10) PROPERTY. Any money, tangible or intangible
23 personal property, property (whether real or personal) the
24 location of which can be changed (including things growing on,
25 affixed to, or found in land and documents, although the

1 rights represented hereby have no physical location), contract
2 right, chose-in-action, interest in a claim to wealth, credit,
3 or any other article or thing of value of any kind.

4 "Commodities of a public utility nature, such as
5 gas, electricity, steam, and water, constitute property, but
6 the supplying of such a commodity to premises from an outside
7 source by means of wires, pipes, conduits, or other equipment
8 shall be deemed a rendition of a service rather than a sale or
9 delivery of property. ~~(See Section 13A-8-10, theft of~~
10 ~~services.)~~

11 "(11) RECEIVING. Such term includes, but is not
12 limited to, acquiring possession, control, or title and taking
13 a security interest in the property.

14 "(12) STOLEN. Obtained by theft, theft by
15 appropriating lost property, robbery, or extortion.

16 "(13) THREAT. A menace, however communicated, to:

17 "a. Cause physical harm to the person threatened or
18 to any other person; or

19 "b. Cause damage to property; or

20 "c. Subject the person threatened or any other
21 person to physical confinement or restraint; or

22 "d. Engage in other conduct constituting a crime; or

23 "e. Accuse any person of a crime or cause criminal
24 charges to be instituted against any person; or

1 "f. Expose a secret or publicize an asserted fact,
2 whether true or false, tending to subject any person to
3 hatred, contempt, or ridicule; or

4 "g. Reveal any information sought to be concealed by
5 the person threatened; or

6 "h. Testify or provide information or withhold
7 testimony or information with respect to another's legal claim
8 or defense; or

9 "i. Take action as an official against anyone or
10 anything, or withhold official action, or cause such action or
11 withholding; or

12 "j. Bring about or continue a strike, boycott, or
13 other similar collective action to obtain property which is
14 not demanded or received for the benefit of the group which
15 the actor purports to represent; or

16 "k. Do any other act which would not in itself
17 substantially benefit the actor but which is calculated to
18 harm substantially another person with respect to his or her
19 health, safety, business, calling, career, financial
20 condition, reputation, or personal relationships.

21 "(14) VALUE. The market value of the property at the
22 time and place of the criminal act.

23 "Whether or not they have been issued or delivered,
24 certain written instruments, not including those having a

1 readily ascertainable market value such as some public and
2 corporate bonds and securities shall be evaluated as follows:

3 "a. The value of an instrument constituting an
4 evidence of debt, such as a check, draft, or promissory note,
5 shall be deemed the amount due or collectible thereon or
6 thereby, that figure ordinarily being the face amount of the
7 indebtedness less any portion thereof which has been
8 satisfied.

9 "b. The value of any other instrument that creates,
10 releases, discharges, or otherwise affects any valuable legal
11 right, privilege, or obligation shall be deemed the greatest
12 amount of economic loss which the owner of the instrument
13 might reasonably suffer by virtue of the loss of the
14 instrument.

15 "When the value of property cannot be ascertained
16 pursuant to the standards set forth above, its value shall be
17 deemed to be an amount not exceeding ~~\$100.00~~ five hundred
18 dollars (\$500).

19 "Amounts involved in thefts committed pursuant to
20 one scheme or course of conduct, whether from the same person
21 or several persons, may be aggregated in determining the grade
22 of the offense; provided, that only one conviction may be had
23 and only one sentence enforced for all thefts included in such
24 aggregate.

25 "\$13A-8-2.

1 "A person commits the crime of theft of property if
2 he or she:

3 "(1) Knowingly obtains or exerts unauthorized
4 control over the property of another, with intent to deprive
5 the owner of his or her property; or

6 "(2) Knowingly obtains by deception control over the
7 property of another, with intent to deprive the owner of his
8 or her property.

9 "(3) Knowingly obtains or exerts control over
10 property in the custody of a law enforcement agency which was
11 explicitly represented to the person by an agent of the law
12 enforcement agency as being stolen.

13 "\$13A-8-3.

14 "(a) The theft of property which exceeds ~~\$1,000.00~~
15 two thousand five hundred dollars (\$2,500) in value, or
16 property of any value taken from the person of another,
17 constitutes theft of property in the first degree.

18 "(b) The theft of a motor vehicle, regardless of its
19 value, constitutes theft of property in the first degree.

20 "(c) Theft of property in the first degree is a
21 Class B felony.

22 "\$13A-8-4.

23 "(a) The theft of property which exceeds ~~\$250.00~~
24 five hundred dollars (\$500) in value but does not exceed
25 ~~\$1,000.00~~ two thousand five hundred dollars (\$2,500) in value,

1 and which is not taken from the person of another, constitutes
2 theft of property in the second degree.

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

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

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

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

14 "(f) The theft of any livestock which includes
15 cattle, swine, horses, mules, asses, or sheep, regardless of
16 their value, constitutes theft of property in the second
17 degree.

18 (g) Notwithstanding subsection (a), the theft of
19 property which exceeds ~~\$100.00~~ \$250.00 in value but does not
20 exceed ~~\$1,000.00~~ \$2500.00 in value, and which is not taken
21 from the person of another, where the defendant has previously
22 been convicted of a theft of property in the first or second
23 degree or receiving stolen property in the first or second
24 degree, constitutes theft of property in the second degree.

1 "~~(g) Notwithstanding subsection (a), the theft of~~
2 ~~property which exceeds \$100.00 in value but does not exceed~~
3 ~~\$1,000.00 in value, and which is not taken from the person of~~
4 ~~another, where the defendant has previously been convicted of~~
5 ~~a theft of property in the first or second degree, constitutes~~
6 ~~theft of property in the second degree.~~

7 "§13A-8-5.

8 "~~(a) Except as provided in subsection (g) of Section~~
9 ~~13A-8-4, the~~ The theft of property which does not exceed
10 ~~\$250.00~~ five hundred dollars (\$500) in value and which is not
11 taken from the person of another constitutes theft of property
12 in the third degree.

13 "(b) Theft of property in the third degree is a
14 Class A misdemeanor.

15 "§13A-8-7.

16 "(a) The theft of lost property which exceeds
17 ~~\$1,000.00~~ two thousand five hundred dollars (\$2,500) in value
18 constitutes theft of lost property in the first degree.

19 "(b) Theft of lost property in the first degree is a
20 Class B felony.

21 "§13A-8-8.

22 "(a) The theft of lost property which exceeds
23 ~~\$100.00~~ five hundred dollars (\$500) in value but does not
24 exceed ~~\$1,000.00~~ two thousand five hundred dollars (\$2,500) in
25 value constitutes theft of lost property in the second degree.

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

3 "§13A-8-9.

4 "(a) The theft of lost property which does not
5 exceed ~~§100.00~~ five hundred dollars (\$500) in value
6 constitutes theft of lost property in the third degree.

7 "(b) Theft of lost property in the third degree is a
8 Class A misdemeanor.

9 "§13A-8-10.1.

10 "(a) The theft of services which exceeds ~~\$2,000.00~~
11 two thousand five hundred dollars (\$2,500) in value
12 constitutes theft of services in the first degree.

13 "(b) Theft of services in the first degree is a
14 Class B felony.

15 "§13A-8-10.2.

16 "(a) The theft of services which exceeds ~~§100.00~~
17 five hundred dollars (\$500) in value but does not exceed
18 ~~\$2,000.00~~ two thousand five hundred dollars (\$2,500) in value
19 constitutes theft of services in the second degree.

20 "(b) Theft of services in the second degree is a
21 Class C felony.

22 "§13A-8-10.3.

23 "(a) The theft of services which does not exceed
24 ~~§100.00~~ five hundred dollars (\$500) in value constitutes theft
25 of services in the third degree.

1 "(b) Theft of services in the third degree is a
2 Class A misdemeanor.

3 "§13A-8-17.

4 "(a) Receiving stolen property which exceeds
5 ~~\$1,000.00~~ two thousand five hundred dollars (\$2,500) in value
6 constitutes receiving stolen property in the first degree.

7 "(b) Receiving stolen property in the first degree
8 is a Class B felony.

9 "§13A-8-18.

10 "(a) Receiving stolen property:

11 "(1) Which exceeds ~~\$100.00~~ five hundred dollars
12 (\$500) in value but does not exceed ~~\$1,000.00~~ two thousand
13 five hundred dollars (\$2,500) in value; or

14 "(2) Of any value under the circumstances described
15 in subdivision (b)(3) of Section 13A-8-16; constitutes
16 receiving stolen property in the second degree; or.

17 (3) Notwithstanding subsection (a)(1), receiving
18 stolen property which exceeds \$250.00 in value but does not
19 exceed \$2500.00 in value where the defendant has previously
20 been convicted of theft of property in the first or second
21 degree or receiving stolen property in the first or second
22 degree, constitutes receiving stolen property in the second
23 degree.

24 "(b) Receiving stolen property in the second degree
25 is a Class C felony.

1 "§13A-8-19.

2 "(a) Receiving stolen property which does not exceed
3 ~~¢100.00~~ five hundred dollars (\$500) in value constitutes
4 receiving stolen property in the third degree.

5 "(b) Receiving stolen property in the third degree
6 is a Class A misdemeanor.

7 "§13A-8-23.

8 "(a) The following terms shall have the meanings
9 ascribed thereto unless the context clearly indicates
10 otherwise:

11 "(1) OWNER. Includes any part owner, joint owner,
12 tenant-in-common, joint tenant, or tenant by the entirety of
13 the whole or part of any building.

14 "(2) PERSON. Includes a corporation, firm, company,
15 or association.

16 "(3) TENANT or OCCUPANT. Shall include any person
17 who occupies the whole or a part of any building whether alone
18 or with others and shall include the owner.

19 "(4) UTILITY. Any public or private utility
20 authorized to provide electricity, natural gas, or water or
21 any combination thereof for sale to consumers in any
22 particular service area.

23 "(5) UTILITY SERVICES. The products, commodities,
24 and services provided by a utility to its customers.

1 "(b) It shall be unlawful for a tenant, occupant, or
2 any other person to commit any of the following acts which
3 could, or in fact does, make gas, electricity, or water
4 unlawfully available to such tenant, occupant, or person, or
5 to another:

6 "(1) To connect any tube, pipe, wire, or other
7 instrument with any meter, device, or other instrument used
8 for conducting gas, electricity, or water in such a manner as
9 to permit the use of said gas, electricity, or water without
10 the same passing through a meter or other instrument recording
11 the usage for billing.

12 "(2) To alter, injure, turn on, or prevent the
13 action of a meter, valve, stopcock, or other instrument used
14 for measuring quantities of gas, electricity, or water.

15 "(3) To break, deface, or cause to be broken or
16 defaced any seal, locking device, or other parts that make up
17 a metering device for recording usage of gas, electricity, or
18 water or a security system for ~~said~~ the recording device.

19 "(4) To remove a metering device for measuring
20 quantities of gas, electricity, or water.

21 "(5) To transfer from one location to another a
22 metering device for measuring utilities of gas, electricity,
23 or water.

1 "(6) To use a metering device belonging to the
2 utility that has not been assigned to ~~said~~ the location and
3 installed by the utility.

4 "(7) To adjust the indicated consumption, to jam the
5 measuring device, to bypass the meter or measuring device with
6 a jumper so that it does not indicate use or registers
7 incorrectly, or to otherwise obtain quantities of gas,
8 electricity, or water from the utility without same passing
9 through a metering device for measuring quantities of
10 consumption for billing.

11 "(8) To fabricate or to use a device to pick or
12 otherwise tamper with the locks used to deter current
13 diversion, meter tampering, and meter thefts.

14 "(9) To otherwise take any action resulting in the
15 diversion or unauthorized use of gas, electricity, or water.

16 "(c) Any property on which it is found to have
17 electric, gas, or water utilities tampered with in violation
18 of this section and capable of receiving gas, electricity, or
19 water as a result of the use of any method of diversion
20 prohibited herein shall be prima facie evidence and create
21 against the tenant, occupant, or other person a presumption of
22 intent to tamper or divert in violation of ~~the provisions of~~
23 this section.

24 "(d) Any occupant, tenant, or other person who
25 violates ~~the provisions of~~ this section, and any person who

1 aids and abets in such prohibited acts, who shall be deemed a
 2 principal to such acts, shall be guilty of a Class C felony if
 3 the theft amount exceeds ~~five hundred dollars~~ five hundred dollars (\$500)
 4 in value and a Class A misdemeanor if the theft amount is less
 5 than or equal to ~~five hundred dollars~~ five hundred dollars (\$500) in value,
 6 as provided by the state criminal code, and upon conviction,
 7 be punished as prescribed by law.

8 "(e) The provisions of this section are supplemental
 9 to the provisions of the offense of theft of services as
 10 provided in Section 13A-8-10, and shall in no way repeal or
 11 modify ~~said~~ Section 13A-8-10.

12 "§13A-8-72.

13 "(a) A person who is convicted of violating
 14 subsection (a) of Section 13A-8-71 shall be fined not more
 15 than \$50.

16 "(b) A person who is convicted of intentionally
 17 destroying, knocking down, removing, defacing, or altering a
 18 traffic sign pursuant to subsection (c) of Section 13A-8-71 or
 19 defacing a public building or public property pursuant to
 20 subsection (d) of Section 13A-8-71, where the damage inflicted
 21 is more than ~~one thousand dollars (\$1,000)~~ two thousand five
 22 hundred dollars (\$2,500), is guilty of a Class C felony.

23 "(c) A person who is convicted of intentionally
 24 destroying, knocking down, removing, defacing, or altering a
 25 traffic sign pursuant to subsection (c) of Section 13A-8-71 or

1 defacing a public building or public property pursuant to
2 subsection (d) of Section 13A-8-71, where the damage inflicted
3 is more than ~~two hundred fifty dollars (\$250)~~ five hundred
4 dollars (\$500), but less than ~~one thousand dollars (\$1,000)~~
5 two thousand five hundred dollars (\$2,500), is guilty of a
6 Class A misdemeanor.

7 "(d) A person who is convicted of intentionally
8 destroying, knocking down, removing, defacing, or altering a
9 traffic sign pursuant to subsection (c) of Section 13A-8-71 or
10 defacing a public building or public property pursuant to
11 subsection (d) of Section 13A-8-71, where the damage inflicted
12 is less than ~~two hundred fifty dollars (\$250)~~ five hundred
13 dollars (\$500) is guilty of a Class B misdemeanor.

14 "(e) The parents of a minor under the age of 18
15 years with whom the minor is living and who have custody of
16 the minor shall be liable for actual damages, plus court
17 costs, for the destruction or defacement of any public road
18 sign or the defacement of any public building or public
19 property by the intentional acts of the minor.

20 "(f) Any minor who is convicted of violating this
21 article shall be ordered by the court to correct or clean up
22 any destruction or defacement of which the minor has been
23 convicted ~~of~~.

24 "§13A-8-102.

1 "(a) Whoever willfully, knowingly, and without
2 authorization or without reasonable grounds to believe that he
3 or she has such authorization, attempts or achieves access,
4 communication, examination, or modification of data, computer
5 programs, or supporting documentation residing or existing
6 internal or external to a computer, computer system, or
7 computer network commits an offense against intellectual
8 property.

9 "(b) Whoever willfully, knowingly, and without
10 authorization or without reasonable grounds to believe that he
11 or she has such authorization, destroys data, computer
12 programs, or supporting documentation residing or existing
13 internal or external to a computer, computer system, or
14 computer network commits an offense against intellectual
15 property.

16 "(c) Whoever willfully, knowingly, and without
17 authorization or without reasonable grounds to believe that he
18 or she has such authorization, discloses, uses, or takes data,
19 computer programs, or supporting documentation residing or
20 existing internal or external to a computer, computer system,
21 or computer network commits an offense against intellectual
22 property.

23 "(d) (1) Except as otherwise provided in this
24 subsection, an offense against intellectual property is a
25 Class A misdemeanor, punishable as provided by law.

1 "(2) If the offense is committed for the purpose of
 2 devising or executing any scheme or artifice to defraud or to
 3 obtain any property, then the offender is guilty of a Class C
 4 felony, punishable as provided by law.

5 "(3) If the damage to such intellectual property is
 6 greater than two thousand five hundred dollars (\$2,500)
 7 ~~\$2,500.00 or greater~~, or if there is an interruption or
 8 impairment of governmental operation or public communication,
 9 transportation, or supply of water, gas, or other public or
 10 utility service, then the offender is guilty of a Class B
 11 felony, punishable as provided by law.

12 "(4) Whoever willfully, knowingly, and without
 13 authorization alters or removes data causing physical injury
 14 to any person who is not involved in said act shall be guilty
 15 of a Class A felony, punishable as provided by law.

16 "§13A-8-144.

17 "The crime of theft by fraudulent leasing or rental
 18 of property shall be a Class A misdemeanor if the subject
 19 matter of the lease or rental agreement had a value of ~~\$100.00~~
 20 five hundred dollars (\$500) or less; if the value of such
 21 property was in excess of ~~\$100.00~~ five hundred dollars (\$500),
 22 the crime shall be a Class C felony.

23 "§13A-8-192.

24 "(a) A person commits the crime of identity theft
 25 if, without the authorization, consent, or permission of the

1 victim, and with the intent to defraud for his or her own
2 benefit or the benefit of a third person, he or she does any
3 of the following:

4 "(1) Obtains, records, or accesses identifying
5 information that would assist in accessing financial
6 resources, obtaining identification documents, or obtaining
7 benefits of the victim.

8 "(2) Obtains goods or services through the use of
9 identifying information of the victim.

10 "(3) Obtains identification documents in the
11 victim's name.

12 "(b) Identity theft in which there is a financial
13 loss of greater than ~~two hundred fifty dollars (\$250)~~ five
14 hundred dollars (\$500) or the defendant has previously been
15 convicted of identity theft constitutes identity theft in the
16 first degree. Identity theft in the first degree is a Class C
17 felony.

18 "(c) Identity theft in which the defendant has not
19 previously been convicted of identity theft and there is no
20 financial loss or the financial loss is ~~two hundred fifty~~
21 ~~dollars (\$250)~~ five hundred dollars (\$500) or less constitutes
22 identity theft in the second degree. Identity theft in the
23 second degree is a Class A misdemeanor.

24 "(d) This section shall not apply when a person
25 obtains the identity of another person to misrepresent his or

1 her age for the sole purpose of obtaining alcoholic beverages,
2 tobacco, or another privilege denied to minors.

3 "§13A-9-73.

4 "(a) Theft of property by charitable fraud which
5 exceeds ~~§1,000.00~~ two thousand five hundred dollars (\$2,500)
6 in value constitutes theft of property by charitable fraud in
7 the first degree.

8 "(b) Theft of property by charitable fraud in the
9 first degree is a Class B felony.

10 "§13A-9-74.

11 "(a) Theft of property by charitable fraud which
12 exceeds ~~§100.00~~ five hundred dollars (\$500) in value but does
13 not exceed ~~§1,000.00~~ two thousand five hundred dollars
14 (\$2,500) in value constitutes theft of property by charitable
15 fraud in the second degree.

16 "(b) Theft of property by charitable fraud in the
17 second degree is a Class C felony.

18 "§13A-9-75.

19 "(a) Theft of property by charitable fraud which
20 does not exceed ~~§100.00~~ five hundred dollars (\$500) in value
21 constitutes theft of property by charitable fraud in the third
22 degree.

23 "(b) Theft of property by charitable fraud in the
24 third degree is a Class A misdemeanor.

25 "§13A-9-91.

1 "(a) A person commits the crime of illegal
2 possession of food stamps if:

3 "(1) He or she knowingly uses, transfers, acquires,
4 alters, or possesses food stamp coupons or food stamp
5 authorization cards in any manner not authorized by the Food
6 Stamp Act of 1977, 7 U.S.C. § 2011 et seq., or the regulations
7 issued pursuant to the act; or

8 "(2) He or she presents or causes to be presented
9 food stamp coupons for payment or redemption knowing the same
10 to have been received, transferred, or used in any manner not
11 authorized by the Food Stamp Act of 1977, 7 U.S.C. § 2011 et
12 seq., or the regulations pursuant to the act.

13 "(b) Illegal possession of food stamps which exceed
14 ~~\$1,000.00~~ two thousand five hundred dollars (\$2,500) in value
15 constitutes illegal possession of food stamps in the first
16 degree and is a Class B felony.

17 "(c) Illegal possession of food stamps which exceed
18 ~~\$100.00~~ five hundred dollars (\$500) in value but do not exceed
19 ~~\$1,000.00~~ two thousand five hundred dollars (\$2,500) in value
20 constitutes illegal possession of food stamps in the second
21 degree and is a Class C felony.

22 "(d) Illegal possession of food stamps which do not
23 exceed ~~\$100.00~~ five hundred dollars (\$500) in value
24 constitutes illegal possession of food stamps in the third
25 degree and is a Class A misdemeanor."

1 Section 2. Notwithstanding any other provision of
2 law, in municipal court, the maximum fine for every person
3 either convicted for violating any misdemeanor in this act
4 adopted as a municipal ordinance violation or adjudicated as a
5 youthful offender shall be one thousand dollars (\$1,000).

6 Section 3. Although this bill would have as its
7 purpose or effect the requirement of a new or increased
8 expenditure of local funds, the bill is excluded from further
9 requirements and application under Amendment 621 because the
10 bill defines a new crime or amends the definition of an
11 existing crime.

12 Section 4. All laws or parts of laws which conflict
13 with this act are repealed.

14 Section 5. The provisions of this act are severable.
15 If any part of this act is declared invalid or
16 unconstitutional, that declaration shall not affect the part
17 which remains.

18 Section 6. This act shall become effective
19 ~~immediately~~ on the first day of the third month following its
20 passage and approval by the Governor, or its otherwise
21 becoming law.

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Art W. Smith

Speaker of the House of Representatives

Lucy Baxley

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 29-APR-03, as amended.

Greg Pappas
Clerk

Senate	16-JUN-03	Amended and Passed
House	16-JUN-03	Concurred in Senate Amendment

APPROVED 6-20-03
TIME 2:55 PM
B. B. R. L.
GOVERNOR

Alabama Secretary Of State

Act Num....: 2003-355
Bill Num...: H-491