

HB482

By Representative Black (M)

RFD Judiciary

Rd 1 17-FEB-05

SYNOPSIS: Under existing law, the schedule of maximum fines for felonies, misdemeanors, and violations, according to classifications established when the Alabama Criminal Code was adopted, is as follows: Class C felony, \$5,000; Class B felony, \$10,000; Class A felony, \$20,000; Class C misdemeanor, \$500; Class B misdemeanor, \$1,000; Class A misdemeanor, \$2,000; and a violation, \$200.

This bill increases the maximum fine that a court is authorized to assess upon conviction for a felony, misdemeanor, or violation as follows: Class C felony, \$15,000; Class B felony, \$30,000; Class A felony, \$60,000; Class C misdemeanor, \$1,500; Class B misdemeanor, \$3,000; Class A misdemeanor, \$6,000; and a violation, \$600.

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 13A-5-11 and 13A-5-12 of the Code of Alabama 1975, to increase the maximum amount of fines authorized to be assessed upon conviction for a felony, misdemeanor, or violation.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 13A-5-11 and 13A-5-12 of the Code of Alabama 1975, are amended to read as follows:

§13A-5-11.

"(a) A sentence to pay a fine for a felony shall be for a definite amount, fixed by the court, within the following limitations:

"(1) For a Class A felony, not more than ~~\$20,000.00~~ \$60,000;

"(2) For a Class B felony, not more than ~~\$10,000.00~~ \$30,000;

"(3) For a Class C felony, not more than ~~\$5,000.00~~ \$15,000; or

"(4) Any amount not exceeding double the pecuniary gain to the defendant or loss to the victim caused by the commission of the offense.

"(b) As used in this section, "gain" means the amount of money or the value of property derived from the commission of the crime, less the amount of money or the value of property returned to

the victim of the crime or seized or surrendered to lawful authority prior to the time sentence is imposed. "Value" shall be determined by the standards established in subdivision (14) of Section 13A-8-1.

"(c) The court may conduct a hearing upon the issue of defendant's gain or the victim's loss from the crime according to procedures established by rule of court.

"(d) This section shall not apply if a higher fine is otherwise authorized by law for a specific crime.

§13A-5-12.

"(a) A sentence to pay a fine for a misdemeanor shall be for a definite amount, fixed by the court, within the following limitations:

"(1) For a Class A misdemeanor, not more than ~~\$2,000.00~~ \$6,000;

"(2) For a Class B misdemeanor, not more than ~~\$1,000.00~~ \$3,000;

"(3) For a Class C misdemeanor, not more than ~~\$500.00~~ \$1,500; or

"(4) Any amount not exceeding double the pecuniary gain to the defendant or loss to the victim caused by the commission of the offense.

"(b) A sentence to pay a fine for a violation shall be for a definite amount, fixed by the court, not to exceed ~~\$200.00~~, six hundred dollars (\$600), or any amount not exceeding double the pecuniary gain to the defendant or loss to the victim caused by the commission of the offense.

"(c) As used in this section, "gain" means the amount of money or the value of property derived from the commission of the crime, less the amount of money or the value of property returned to the victim of the crime or seized or surrendered to lawful authority prior to the time sentence is imposed. "Value" shall be determined by the standards established in subdivision (14) of Section 13A-8-1.

"(d) The court may conduct a hearing upon the issue of defendant's gain or the victim's loss from the crime according to procedures established by rule of court."

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Crimes and Offenses

Criminal Law and Procedure

Felonies

Misdemeanors

Code Amended