

HB153 ENROLLED



1 XVBL77-3
2 By Representative Treadaway
3 RFD: Judiciary
4 First Read: 21-Mar-23
5 2023 Regular Session



HB153 Enrolled

1 Enrolled, An Act,

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A BILL

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TO BE ENACTED

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AN ACT

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Relating to crimes and offenses; to amend Sections

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13A-6-92 and 30-3-130, Code of Alabama 1975, to define the

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term electronic tracking device; to add Sections 13A-6-95 and

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13A-6-96 to the Code of Alabama 1975, to prohibit a person

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from placing certain devices on the property of another

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person; to prohibit a person from placing certain devices on

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the property of another in violation of an established court

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order; to provide for penalties; to make nonsubstantive,

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technical revisions to update the existing code language to

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current style; and in connection therewith would have as its

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purpose or effect the requirement of a new or increased

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expenditure of local funds within the meaning of Section

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111.05 of the Constitution of Alabama of 2022.

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BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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Section 1. Sections 13A-6-92 and 30-3-130, Code of

23

Alabama 1975, are amended to read as follows:

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"§13A-6-92

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As used in this article, the following terms ~~shall~~

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have the following meanings, ~~respectively, unless the context~~

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~~clearly indicates otherwise.~~ :

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~~(a)~~ (1) COURSE OF CONDUCT. A pattern of conduct



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29 composed of a series of acts over a period of time which
30 evidences a continuity of purpose.

31 ~~(b)~~ (2) CREDIBLE THREAT. A threat, expressed or
32 implied, made with the intent and the apparent ability to
33 carry out the threat so as to cause the person who is the
34 target of the threat to fear for his or her safety or the
35 safety of a family member and to cause reasonable mental
36 anxiety, anguish, or fear.

37 (3) ELECTRONIC TRACKING DEVICE. An electronic or
38 mechanical device that permits the tracking of the movement of
39 a person or object.

40 ~~(e)~~ (4) HARASSES. Engages in an intentional course of
41 conduct directed at a specified person which alarms or annoys
42 that person, or interferes with the freedom of movement of
43 that person, and which serves no legitimate purpose. The
44 course of conduct must be such as would cause a reasonable
45 person to suffer substantial emotional distress, and must
46 actually cause substantial emotional distress.
47 Constitutionally protected conduct is not included within the
48 definition of this term.

49 (5) OWNER. An individual, other than the defendant,
50 who has possession of or any other interest in the property
51 involved and without whose consent the defendant has no
52 authority to exert control over the property."

53 "§30-3-130

54 For the purposes of this article "domestic or family
55 abuse" means an incident resulting in the abuse, stalking,
56 assault, harassment, or the attempt or threats thereof.



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57 "Abuse" means any offense under Article 4 ~~(commencing with~~
58 ~~Section 13A-6-60)~~ of Chapter 6 of Title 13A, ~~and under~~ or
59 Chapter 15 ~~(commencing with Section 26-15-1)~~ of Title 26.

60 "Stalking" means ~~the offenses prescribed in any offense under~~
61 ~~Sections 13A-6-90 to 13A-6-92, inclusive~~ Article 5 of Chapter 6
62 of Title 13A. "Assault" means ~~the offense prescribed in any~~
63 ~~offense under Sections 13A-6-20 to 13A-6-25, inclusive~~ Article
64 2 of Chapter 6 of Title 13A. "Harassment" means the offenses
65 prescribed in Section 13A-11-8."

66 Section 2. Sections 13A-6-95 and 13A-6-96 are added to
67 the Code of Alabama 1975, as follows:

68 §13A-6-95

69 (a) A person who, without the consent of the owner or
70 except as otherwise authorized by law, places any electronic
71 tracking device on the property of another person with the
72 intent to surveil, stalk, or harass, or for any other unlawful
73 purpose, is guilty of the crime of electronic stalking in the
74 first degree.

75 (b) (1) Except as otherwise provided in subdivision (2),
76 a violation of this section is a Class C felony.

77 (2) A person who violates this section and whose
78 conduct violates an existing domestic violence protection
79 order, elder abuse protection order, temporary restraining
80 order, or any other court order, shall be guilty of a Class B
81 felony.

82 (c) In any criminal proceeding brought pursuant to this
83 section, the crime shall be considered to have been committed
84 in all of the following:



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85 (1) The county in which any part of the crime took
86 place.

87 (2) The county where the electronic tracking device was
88 discovered.

89 (3) The county of residence of the owner of the
90 property.

91 (d) The statute of limitations shall begin at the time
92 of the discovery of the electronic tracking device.

93 §13A-6-96

94 (a) A person who, without the consent of the owner or
95 except as otherwise authorized by law, places any electronic
96 tracking device on the property of another person is guilty of
97 the crime of electronic stalking in the second degree.

98 (b) A violation of this section is a Class A
99 misdemeanor.

100 (c) In any criminal proceeding brought pursuant to this
101 section, the crime shall be considered to have been committed
102 in all of the following:

103 (1) The county in which any part of the crime took
104 place.

105 (2) The county where the electronic tracking device was
106 discovered.

107 (3) The county of residence of the owner of the
108 property.

109 (d) The statute of limitations shall begin at the time
110 of the discovery of the electronic tracking device.

111 Section 3. Although this bill would have as its purpose
112 or effect the requirement of a new or increased expenditure of



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113 local funds, the bill is excluded from further requirements
114 and application under Section 111.05 of the Constitution of
115 Alabama of 2022, because the bill defines a new crime or
116 amends the definition of an existing crime.

117 Section 4. This act shall become effective on the first
118 day of the third month following its passage and approval by
119 the Governor, or its otherwise becoming law.



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Speaker of the House of Representatives

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 27-Apr-23, as amended.

John Treadwell
Clerk

Senate **31-May-23**

Passed