

1 SB338
2 192285-3
3 By Senators Coleman-Madison and Dunn
4 RFD: Judiciary
5 First Read: 30-APR-19

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8 SYNOPSIS: Under existing law, the degrees of receiving
9 stolen property offenses vary depending on the
10 value of stolen property.

11 This bill would provide that receiving,
12 retaining, or disposing of a stolen firearm, which
13 does not exceed a certain value, is subject to
14 specific criminal penalties.

15 This bill would also provide for technical
16 revisions of the receiving stolen property crimes.

17 Amendment 621 of the Constitution of Alabama
18 of 1901, now appearing as Section 111.05 of the
19 Official Recompilation of the Constitution of
20 Alabama of 1901, as amended, prohibits a general
21 law whose purpose or effect would be to require a
22 new or increased expenditure of local funds from
23 becoming effective with regard to a local
24 governmental entity without enactment by a 2/3 vote
25 unless: it comes within one of a number of
26 specified exceptions; it is approved by the
27 affected entity; or the Legislature appropriates

1 funds, or provides a local source of revenue, to
2 the entity for the purpose.

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

10
11 A BILL
12 TO BE ENTITLED
13 AN ACT
14

15 Relating to receiving stolen property; to amend
16 Sections 13A-8-16, 13A-8-17, 13A-8-18, 13A-8-18.1, and
17 13A-8-19, Code of Alabama 1975, to provide that receiving,
18 retaining, or disposing of a stolen firearm is a criminal
19 offense; to provide for technical revisions; and in connection
20 therewith would have as its purpose or effect the requirement
21 of a new or increased expenditure of local funds within the
22 meaning of Amendment 621 of the Constitution of Alabama of
23 1901, now appearing as Section 111.05 of the Official
24 Recompilation of the Constitution of Alabama of 1901, as
25 amended.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Sections 13A-8-16, 13A-8-17, 13A-8-18,
2 13A-8-18.1, and 13A-8-19, Code of Alabama 1975, are amended to
3 read as follows:

4 "§13A-8-16.

5 "(a) A person commits the crime of receiving stolen
6 property if he or she intentionally receives, retains, or
7 disposes of stolen property knowing that it has been stolen or
8 having reasonable grounds to believe it has been stolen,
9 unless the property is received, retained, or disposed of with
10 intent to restore it to the owner.

11 "(b) ~~If a person:~~ It shall be prima facie evidence
12 that a person has the requisite knowledge or belief required
13 under this section in any of the following circumstances:

14 "(1) ~~On~~ The defendant, on two or more separate
15 occasions within a year prior to the commission of the instant
16 offense of receiving stolen property, is found in possession
17 or control of stolen property; ~~or.~~

18 "(2) ~~Possesses~~ The defendant possesses goods or
19 property ~~which~~ that have been recently stolen; ~~or.~~

20 "(3) ~~Regularly~~ The defendant regularly buys, sells,
21 uses, or handles in the course of business property of the
22 sort received, and acquired the property without making
23 reasonable inquiry whether the person selling or delivering
24 the property to him or her had a legal right to do so, ~~this~~
25 ~~shall be prima facie evidence that he has the requisite~~
26 ~~knowledge or belief.~~

1 "(c) The fact that the person who stole the property
2 has not been convicted, apprehended, or identified is not a
3 defense to a charge of receiving stolen property.

4 "§13A-8-17.

5 "(a) ~~Receiving~~ A person commits the crime of
6 receiving stolen property in the first degree if he or she
7 receives stolen property ~~which that~~ exceeds two thousand five
8 hundred dollars (\$2,500) in value ~~constitutes receiving stolen~~
9 ~~property in the first degree.~~

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

12 "§13A-8-18.

13 "(a) ~~Receiving~~ A person commits the crime of
14 receiving stolen property in the second degree if he or she
15 receives stolen property that meets any of the following
16 criteria:

17 "(1) ~~which is~~ Is between one thousand five hundred
18 dollars (\$1,500) in value and two thousand five hundred
19 dollars (\$2,500) in value; ~~or~~ .

20 "(2) ~~of~~ Is of any value under the circumstances
21 described in subdivision (b) (3) of Section 13A-8-16; ~~or~~
22 ~~constitutes receiving stolen property in the second degree.~~

23 "(3) Is a firearm that does not exceed five hundred
24 dollars (\$500) in value, after having been previously
25 convicted of receiving a stolen firearm.

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

1 "§13A-8-18.1.

2 "(a) A person commits the crime of receiving stolen
3 property in the third degree if he or she receives stolen
4 property that meets either of the following criteria:

5 "(1) (a) Receiving stolen property which Exceeds
6 ~~exceeds~~ five hundred dollars (\$500) in value, but does not
7 exceed one thousand four hundred ~~and~~ ninety-nine dollars
8 (\$1,499) in value, ~~or.~~

9 "(2) Is a firearm that does not exceed five hundred
10 dollars (\$500) in value constitutes receiving stolen property
11 in the third degree.

12 "(b) Receiving stolen property in the third degree
13 is a Class D felony.

14 "§13A-8-19.

15 "~~(a) Receiving~~ A person commits the crime of
16 receiving stolen property in the fourth degree if he or she
17 receives stolen property ~~which~~ that does not exceed five
18 hundred dollars (\$500) in value ~~constitutes receiving stolen~~
19 ~~property in the fourth degree.~~

20 "(b) Receiving stolen property in the fourth degree
21 is a Class A misdemeanor.

22 Section 2. Although this bill would have as its
23 purpose or effect the requirement of a new or increased
24 expenditure of local funds, the bill is excluded from further
25 requirements and application under Amendment 621, now
26 appearing as Section 111.05 of the Official Recompilation of
27 the Constitution of Alabama of 1901, as amended, because the

1 bill defines a new crime or amends the definition of an
2 existing crime.

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