SB561

141033-2

By Senator Ward

RFD: Judiciary

First Read: 24-APR-12
SYNOPSIS: Existing law provides for the crimes of criminal trespass in the first degree, second degree, and third degree.

This bill would establish the crime of trespass on a school bus in the first degree.

Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the affected entity; or the Legislature appropriates funds, or provides a local source of revenue, to the entity for the purpose.
The purpose or effect of this bill would be
to require a new or increased expenditure of local
funds within the meaning of the amendment. However,
the bill does not require approval of a local
governmental entity or enactment by a 2/3 vote to
become effective because it comes within one of the
specified exceptions contained in the amendment.

A BILL
TO BE ENTITLED
AN ACT

To establish the crime of trespass on a school bus
in the first degree; to provide penalties; and in connection
therewith to have as its purpose or effect the requirement of
a new or increased expenditure of local funds within the
meaning of Amendment 621 of the Constitution of Alabama of
1901, now appearing as Section 111.05 of the Official
Recompilation of the Constitution of Alabama of 1901, as
amended.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) A person commits the crime of
trespass on a school bus in the first degree if he or she is
found guilty of doing any of the following:

(1) Willfully demolishing, destroying, defacing,
injuring, burning, or damaging any public school bus.
(2) Entering a public school bus while the door is open to load or unload students, while at a railroad grade crossing, or after being forbidden from doing so by the authorized school bus driver in charge of the bus, or upon demand of a principal of a school to which the bus is assigned or other duly authorized school system official.

(3) As an occupant of a public school bus, refusing to leave the bus on demand of the authorized school bus driver in charge of the bus, or upon demand of a principal of a school to which the bus is assigned or other duly authorized school system official.

(4) Willfully stopping, impeding, delaying, or detaining any public school bus being operated for public school purposes.

(b) The crime of trespass on a school bus in the first degree is a Class B misdemeanor.

(c) Subdivisions (2), (3), and (4) of subsection (a) do not apply to a child who is less than 12 years of age or to authorized school personnel who are boarding the school bus as a part of their job assignment.

Section 2. Although this bill would have as its purpose or effect the requirement of a new or increased expenditure of local funds, the bill is excluded from further requirements and application under Amendment 621, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, because the
bill defines a new crime or amends the definition of an existing crime.

Section 3. 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.