SB15

141033-2

By Senator Ward

RFD: Judiciary

First Read: 05-FEB-13

PFD: 09/18/2012
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.