

ACT NO. 2012- 316

1 HB340  
2 142367-2  
3 By Representatives Merrill, Wallace, Moore (B), Mask, Williams  
4 (P), Buttram, England, Johnson (K), McClendon, Harper,  
5 Greeson, Robinson (O), Scott, Boman, Weaver, Davis, Coleman,  
6 Long, Rich, Johnson (W), Baughn, Roberts, Sessions, Galliher,  
7 Farley, Ball, Wood, Rogers, Howard, Brown, Williams (D), Todd,  
8 Tuggle, Payne, Hurst, Robinson (J), Treadaway, Givan, Carns,  
9 Oden, Boyd, Williams (J), Baker, Drake, Nordgren, Sanderford,  
10 McCutcheon, Beckman, Hill, Shiver, Hammon, Morrow and Millican  
11 RFD: Judiciary  
12 First Read: 16-FEB-12



1  
2     ENROLLED, An Act,

3             To create the crime of looting; to provide  
4 penalties; and in connection therewith would have as its  
5 purpose or effect the requirement of a new or increased  
6 expenditure of local funds within the meaning of Amendment 621  
7 of the Constitution of Alabama of 1901, now appearing as  
8 Section 111.05 of the Official Recompilation of the  
9 Constitution of Alabama of 1901, as amended.

10    BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11             Section 1. (a) For the purposes of this section, the  
12 following words have the following meaning:

13             (1) BUILDING. Any structure that may be entered and  
14 utilized by persons for business, public use, lodging, or the  
15 storage of goods. The term includes any vehicle, aircraft, or  
16 watercraft used for the lodging of persons or carrying on  
17 business therein and includes any railroad boxcar or other  
18 rail equipment or trailer or tractor trailer, or combination  
19 thereof. Where a building consists of two or more units  
20 separately occupied or secure, each shall be deemed both a  
21 separate building and a part of the main building.

22             (2) STATE OF EMERGENCY. When the Governor duly  
23 proclaims the existence of conditions of disaster or of  
24 extreme peril to the safety of persons and property within the  
25 state caused by fire, flood, storm, epidemic, technological

1 failure or accident, riot, drought, sudden and severe energy  
2 shortage, plant or animal infestation or disease, earthquake,  
3 explosion, terrorism, man-made disaster, or other conditions,  
4 other than conditions resulting from a labor controversy or  
5 conditions causing a state of war emergency, which, by reason  
6 of their magnitude, are or are likely to be beyond the control  
7 of the services, personnel, equipment, and facilities of any  
8 single county, city, or county and city and require the  
9 combined forces of a mutual aid region or regions to combat or  
10 an energy shortage which requires extraordinary measures  
11 beyond the authority vested in the Alabama Public Service  
12 Commission.

13 (b) A person commits the crime of looting if the  
14 person intentionally enters without authorization any building  
15 or real property during a state of emergency and obtains,  
16 exerts control over, damages, or removes the property of  
17 another person without lawful authority.

18 (c) The crime of looting is a Class C felony.

19 (d) The fact that a person may be subject to  
20 prosecution under this section shall not bar his or her  
21 prosecution or punishment for any other offense.

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

1 appearing as Section 111.05 of the Official ReCompilation of  
2 the Constitution of Alabama of 1901, as amended, because the  
3 bill defines a new crime or amends the definition of an  
4 existing crime.

5 Section 3. This act shall become effective on the  
6 first day of the third month following its passage and  
7 approval by the Governor, or its otherwise becoming law.



- 28 Merrill
- 29 WALLACE
- 30 B. Moore
- 31 Mast
- 32 Rid Wilson
- 33 Butler
- 34 Englund
- 35 John Johnson
- 36 McClendon
- 37 Adler
- 38 Robinson (J)
- 39 Robinson
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DATE: 2-16 2012  
RD 1 RFD Judy

**REPORT OF STANDING COMMITTEE**  
This bill having been referred by the House to its standing committee on House Subcommittee was acted upon by such committee in session, and returned therefrom to the House with the recommendation that it be Passed, w/amend(s) 2 w/sub 10 this 2 day of March, 20 12.  
John D. ..., Chairperson

DATE: 3-8 2012  
RF RD 2 CAL

DATE: 20  
RE-REFERRED  RE-COMMITTED   
Committee

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, HB 340.  
YEAS 97 NAYS 0  
GREG PAPPAS, Clerk

FURTHER HOUSE ACTION (OVER)

DATE: 3-22-2012  
RD 1 RFD Judy

This Bill was referred to the Standing Committee of the Senate on Judy and was acted upon by such Committee in session and is by order of the Committee returned therefrom with a favorable report w/amd(s) 1 w/sub 1 w/leng sub by a vote of 11 nays 0 abstain 0 this 11 day of April, 20 12.  
John D. ..., Chairperson

DATE: 4-12 2012  
RF FAU RD 2 CAL

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, HB 340.  
YEAS 31 NAYS 0  
PATRICK HARRIS, Secretary

DATE: 4-26-12  
PASSED  PASSED AS AMENDED

YEAS 27 NAYS 0  
And was ordered returned forthwith to the House.  
PATRICK HARRIS, Secretary

DATE: 20  
INDEFINITELY POSTPONED YEARS NAYS

DATE: 20  
RECONSIDERED YEARS NAYS

FURTHER SENATE ACTION (OVER)

ADDITIONAL SIGNATURES OF CO-SPONSORS

54 \_\_\_\_\_ 80  
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 78 \_\_\_\_\_ 104  
 79 \_\_\_\_\_ 105

HOUSE ACTION  
(Continued)

HOUSE OF REPRESENTATIVES  
 R. 3 at length and passed  
 Year 102 Nays 0 Abs 0  
 Date 3-20-12  
 GREG PAPPAS, Clerk

SENATE ACTION  
(Continued)

This bill having been referred to the Committee pursuant to Senate Rule 23 is reported to the Senate for assignment to the Committee on \_\_\_\_\_

This \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

Signed (Committee Chairperson) \_\_\_\_\_

Date: \_\_\_\_\_ Referred  
 Committee \_\_\_\_\_

DATE: \_\_\_\_\_  
 RE-REFERRED  RE-COMMITTED  
 Committee \_\_\_\_\_

This Bill was referred to the Standing Committee the Senate on \_\_\_\_\_

and was acted upon by such Committee session and is by order of the Committee returned therefrom with a favorable w/amd(s) \_\_\_\_\_ w/sub \_\_\_\_\_ w/eng sub \_\_\_\_\_ by a vote of \_\_\_\_\_  
 years \_\_\_\_\_ nays \_\_\_\_\_ abstain \_\_\_\_\_  
 this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, Chairperson \_\_\_\_\_

DATE: \_\_\_\_\_  
 RF CAL