

Ala. Code 1975, § 13A-7-80

Looting

The defendant is charged with looting.

A person commits the crime of looting if he/she intentionally enters without authorization any building or real property during a state of emergency and obtains, exerts control over, damages, or removes the property of another person without lawful authority.

To convict, the State must prove beyond a reasonable doubt each of the following elements:

- (1) The Defendant entered a building or real property, **[describe property]**;
- (2) The Defendant did so without authorization;
- (3) The Defendant did so during a state of emergency;
- (4) The Defendant obtained, exerted control over, damaged, or removed the property of another person, **[describe property]**, without lawful authority;
(AND)
- (5) The Defendant entered intentionally.

[Read as appropriate] A *building* is any structure that may be entered and utilized by persons for business, public use, lodging, or the storage of goods. The term includes any vehicle, aircraft, or watercraft used for the lodging of persons or carrying on business therein and includes any railroad boxcar or other rail equipment or trailer or tractor trailer, or combination thereof. [§ 13A-7-80(a)(1)]

[Read as appropriate] Where a building consists of 2 or more units separately occupied or secure, each unit shall be deemed both a separate building and a part of the main building. [§13A-7-80(a)(1)]

A *State Of Emergency* is when the Governor duly proclaims the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by fire, flood, storm, epidemic, technological failure or accident, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, earthquake, explosion, terrorism, man-made disaster, or other conditions, other than conditions resulting from a labor controversy or conditions causing a state of war emergency, which, by reason of their magnitude, are or are likely to be beyond the control of the services, personnel, equipment, and facilities of any single county, city, or county and city and require the combined forces of a mutual aid region or regions to combat or an energy

shortage which requires extraordinary measures beyond the authority vested in the Alabama Public Service Commission. [§13A-7-80(a)(2)]

A person acts *intentionally* with respect to a result or to conduct described by a statute defining an offense, when his/her purpose is to cause that result or to engage in that conduct. [§13A-2-2(1)]

If you find from the evidence that the State has proved beyond a reasonable doubt each of the elements of the offense of looting, then you shall find the defendant guilty of looting.

If you find that the State has failed to prove beyond a reasonable doubt any one or more of the elements of the offense of looting, then you cannot find the defendant guilty of looting.

[If lesser-included offenses are included, the Court should instruct on those offenses at this point.]

[Approved 2-19-16.]