

1 SB416
2 135714-1
3 By Senators Scofield, Holtzclaw, Williams, Glover, McGill,
4 Taylor, Allen, Whatley, Brewbaker, and Ward
5 RFD: Judiciary
6 First Read: 15-MAR-12

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8 SYNOPSIS: This bill would prohibit inmates from
9 establishing or maintaining any social networking
10 website.

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

24 The purpose or effect of this bill would be
25 to require a new or increased expenditure of local
26 funds within the meaning of the amendment. However,
27 the bill does not require approval of a local

1 governmental entity or enactment by a 2/3 vote to
2 become effective because it comes within one of the
3 specified exceptions contained in the amendment.
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5 A BILL
6 TO BE ENTITLED
7 AN ACT
8

9 To prohibit inmates from establishing or maintaining
10 any Internet-based social networking website; to prohibit any
11 person from establishing or maintaining an Internet-based
12 social networking website on behalf of an inmate; and in
13 connection therewith would have as its purpose or effect the
14 requirement of a new or increased expenditure of local funds
15 within the meaning of Amendment 621 of the Constitution of
16 Alabama of 1901, now appearing as Section 111.05 of the
17 Official Recompilation of the Constitution of Alabama of 1901,
18 as amended.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. (a) No inmate in the custody of the
21 Department of Corrections shall establish or maintain an
22 account on any Internet-based social networking website.

23 (b) For purposes of this act, social networking
24 website means an Internet-based website that has any of the
25 following capabilities:

1 (1) Allows users to create web pages or profiles
2 about themselves that are available to the general public or
3 to any other users.

4 (2) Offers a mechanism for communication among
5 users, such as a forum, chat room, electronic mail, or instant
6 messaging.

7 (c) Any inmate who violates this section shall be
8 guilty of a misdemeanor, punishable by a fine not to exceed
9 five hundred dollars (\$500).

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

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