

1 HB4
2 133377-1
3 By Representative Givan
4 RFD: Judiciary
5 First Read: 07-FEB-12
6 PFD: 09/15/2011

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8 SYNOPSIS: This bill would provide for the crime of
9 failure to report a missing child in the first
10 degree classified as a Class B felony and failure
11 to report a missing child in the second degree as a
12 Class C felony.

13 This bill would provide for the crime of
14 failure to report the death of a child as a Class C
15 felony.

16 This bill would provide for the crime of
17 false reporting to law enforcement authorities in
18 the first degree classified as a Class C felony and
19 designate the existing crime of false reporting to
20 law enforcement authorities as false reporting to
21 law enforcement authorities in the second degree.

22 Amendment 621 of the Constitution of Alabama
23 of 1901, now appearing as Section 111.05 of the
24 Official Recompilation of the Constitution of
25 Alabama of 1901, as amended, prohibits a general
26 law whose purpose or effect would be to require a
27 new or increased expenditure of local funds from

1 becoming effective with regard to a local
2 governmental entity without enactment by a 2/3 vote
3 unless: it comes within one of a number of
4 specified exceptions; it is approved by the
5 affected entity; or the Legislature appropriates
6 funds, or provides a local source of revenue, to
7 the entity for the purpose.

8 The purpose or effect of this bill would be
9 to require a new or increased expenditure of local
10 funds within the meaning of the amendment. However,
11 the bill does not require approval of a local
12 governmental entity or enactment by a 2/3 vote to
13 become effective because it comes within one of the
14 specified exceptions contained in the amendment.

15
16 A BILL
17 TO BE ENTITLED
18 AN ACT
19

20 To provide for the crimes of failure to report a
21 missing child in the first and second degrees; to provide for
22 the crime of failure to report the death of a child; to
23 provide for the crime of false reporting to law enforcement
24 authorities in the first degree; to amend Section 13A-10-9,
25 Code of Alabama 1975, to designate the crime of false
26 reporting to law enforcement authorities in the second degree;
27 and in connection therewith would have as its purpose or

1 effect the requirement of a new or increased expenditure of
2 local funds within the meaning of Amendment 621 of the
3 Constitution of Alabama of 1901, now appearing as Section
4 111.05 of the Official Recompilation of the Constitution of
5 Alabama of 1901, as amended.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. This act shall be known and may be cited
8 as "Caylee's Law."

9 Section 2. (a) A parent or guardian of a child 12
10 years of age or younger is guilty of failure to report a
11 missing child in the first degree if he or she willfully or by
12 culpable negligence fails to, within 24 hours, make contact
13 with or otherwise verify the whereabouts and safety of a child
14 12 years of age or younger in his or her care and immediately
15 report the child as missing to law enforcement and the child
16 suffers great bodily harm, permanent disability, or
17 disfigurement while missing.

18 (b) Failure to report a missing child in the first
19 degree is a Class B felony.

20 Section 3. (a) A parent or guardian of a child 12
21 years of age or younger is guilty of failure to report a
22 missing child in the second degree if he or she willfully or
23 by culpable negligence fails to, within 24 hours, make contact
24 with or otherwise verify the whereabouts and safety of a child
25 12 years of age or younger in his or her care and immediately
26 report the child as missing to law enforcement.

1 (b) Failure to report a missing child in the second
2 degree is a Class C felony.

3 Section 4. (a) A parent or guardian of a child 12
4 years of age or younger commits the crime of failure to report
5 the death of a child if he or she fails to report the death of
6 the child while in his or her care to a law enforcement agency
7 within one hour of learning of the child's death or location
8 of the child's corpse.

9 (b) Failure to report the death of a child is a
10 Class C felony.

11 Section 5. (a) A parent or guardian of a child 12
12 years of age or younger commits the crime of false reporting
13 to law enforcement authorities in the first degree if he or
14 she, with the intent to mislead the officer or impede the
15 investigation, knowingly and willfully gives false information
16 to a law enforcement officer who is conducting a missing
17 person investigation or a felony criminal investigation
18 involving the child.

19 (b) False reporting to law enforcement authorities
20 in the first degree is a Class C felony.

21 Section 6. Section 13A-10-9, Code of Alabama 1975,
22 is amended to read as follows:

23 "§13A-10-9.

24 "(a) A person commits the crime of false reporting
25 to law enforcement authorities in the second degree if he or
26 she knowingly makes a false report or causes the transmission

1 of a false report to law enforcement authorities of a crime or
2 relating to a crime.

3 (b) False reporting to law enforcement authorities
4 in the second degree is a Class A misdemeanor."

5 Section 7. 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.