

1 SB404  
2 176809-2  
3 By Senators Melson and Orr  
4 RFD: Judiciary  
5 First Read: 12-APR-16

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8 SYNOPSIS: Under existing law, any person who speaks,  
9 writes, or prints a false and malicious accusation  
10 that a person has committed a felony or other  
11 indictable offense involving moral turpitude is  
12 guilty of defamation. This law has been declared  
13 unconstitutional because it does not require a  
14 demonstration of "actual malice."

15 This bill would revise the crime to include  
16 the "actual malice" requirement.

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

1 funds, or provides a local source of revenue, to  
2 the entity for the purpose.

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

10  
11 A BILL  
12 TO BE ENTITLED  
13 AN ACT  
14

15 To amend Section 13A-11-163, Code of Alabama 1975,  
16 relating to defamation; to require that the publishing or  
17 other dissemination of a false allegation be made with "actual  
18 malice"; and in connection therewith would have as its purpose  
19 or effect the requirement of a new or increased expenditure of  
20 local funds within the meaning of Amendment 621 of the  
21 Constitution of Alabama of 1901, now appearing as Section  
22 111.05 of the Official ReCompilation of the Constitution of  
23 Alabama of 1901, as amended.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. Section 13A-11-163, Code of Alabama 1975,  
26 is amended to read as follows:

27 "§13A-11-163.

1           "Any person who ~~writes, prints or speaks of and~~  
2 ~~concerning any woman, falsely imputing to her a want of~~  
3 ~~chastity; and any person who speaks, writes or prints of and~~  
4 ~~concerning another, with knowledge that a statement is false~~  
5 ~~or with reckless disregard of whether it is a false or not,~~  
6 publishes or otherwise disseminates any accusation falsely and  
7 ~~maliciously~~ importing the commission ~~by such person~~ of a  
8 felony or any other indictable offense involving moral  
9 turpitude shall, ~~on conviction, be punished by fine not~~  
10 ~~exceeding \$500.00 and imprisonment in the county jail, or~~  
11 ~~sentenced to hard labor for the county, not exceeding six~~  
12 ~~months, one or both, at the discretion of the jury~~ be guilty  
13 of a Class B misdemeanor."

14           Section 2. The provisions of this act are severable.  
15 If any part of this act is declared invalid or  
16 unconstitutional, that declaration shall not affect the part  
17 which remains.

18           Section 3. Although this bill would have as its  
19 purpose or effect the requirement of a new or increased  
20 expenditure of local funds, the bill is excluded from further  
21 requirements and application under Amendment 621, now  
22 appearing as Section 111.05 of the Official Recompilation of  
23 the Constitution of Alabama of 1901, as amended, because the  
24 bill defines a new crime or amends the definition of an  
25 existing crime.

1                   Section 4. This act shall become effective on the  
2 first day of the third month following its passage and  
3 approval by the Governor, or its otherwise becoming law.