

1 HB1
2 150502-3
3 By Representative Givan
4 RFD: Judiciary
5 First Read: 05-FEB-13
6 PFD: 12/07/2012

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ENROLLED, An Act,

To provide for the crimes of failure to report a missing child in the first and second degrees; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

Section 2. For purposes of this act, the following terms shall have the meanings respectively ascribed to them by this section:

(1) ABDUCTION. The removal or retention of a child without the consent of the child's custodian.

(2) CHILD. A person who is less than 18 years of age.

(3) CUSTODIAN. A child's father or mother, whether biological or adoptive, a child's legally appointed guardian, or the spouse of a child's father, mother, or legally appointed guardian. In the case where only one parent has

1 legal custody, the term means the parent with legal custody or
2 his or her spouse.

3 (4) GUARDIAN. A guardian as defined in Section
4 26-2A-20, Code of Alabama 1975.

5 (5) LOST CHILD. A child who is unable to find his or
6 her way back to his or her custodian.

7 (6) RUNAWAY CHILD. A child who voluntarily absents
8 himself or herself from the control of his or her custodian
9 with intent to remain away indefinitely.

10 Section 3. (a) A child's custodian shall report, or
11 cause a report to be made, to a law enforcement officer or
12 agency that the child is missing when the child's whereabouts
13 are unknown to the custodian and the custodian knows,
14 believes, or has substantial reason to believe any of the
15 following:

16 (1) That the child's whereabouts are unknown to any
17 person under whose temporary supervision the custodian placed
18 the child.

19 (2) That the child is the victim of an abduction or
20 the victim of serious bodily harm, abuse, or sexual
21 exploitation.

22 (3) That the child is a lost or runaway child.

23 (b) The report required under subsection (a) shall
24 be made verbally, either by telephone or direct communication,

1 followed by a written report as requested by a law enforcement
2 official.

3 Section 4. (a) A child's custodian who is subject to
4 the duty imposed by Section 3 is guilty of failure to report a
5 missing child in the second degree if he or she fails or
6 delays to make, or fails to cause to be made, the required
7 report with willful or reckless disregard for the safety of
8 the child.

9 (b) Failure to report a missing child in the second
10 degree is a Class A misdemeanor.

11 Section 5. (a) A child's custodian who is subject to
12 the duty imposed by Section 3 is guilty of failure to report a
13 missing child in the first degree if he or she fails or delays
14 to make, or fails to cause to be made, the required report
15 with willful or reckless disregard for the safety of the child
16 and the child suffers serious bodily harm or death.

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

19 Section 6. It is a defense to prosecution under this
20 act that the custodian made reasonably diligent efforts to
21 verify the whereabouts and safety of the child during the
22 period of any delay in making the report required by Section
23 3.

24 Section 7. Although this bill would have as its
25 purpose or effect the requirement of a new or increased

1 expenditure of local funds, the bill is excluded from further
2 requirements and application under Amendment 621, now
3 appearing as Section 111.05 of the Official Recompilation of
4 the Constitution of Alabama of 1901, as amended, because the
5 bill defines a new crime or amends the definition of an
6 existing crime.

7 Section 8. This act shall become effective on the
8 first day of the third month following its passage and
9 approval by the Governor, or its otherwise becoming law.

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 26-FEB-13.

Jeff Woodard
Clerk

Senate	20-MAY-13	Amended and Passed
House	20-MAY-13	Concurred in Senate Amendment