

1 SB65
2 133629-2
3 By Senators Taylor, Waggoner, Allen, Glover, Brewbaker, Orr
4 and Reed
5 RFD: Judiciary
6 First Read: 07-FEB-12
7 PFD: 11/21/2011

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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, failure to
11 report a missing child in the second degree
12 classified as a Class C felony, and failure to
13 report a missing child in the third degree
14 classified as a Class A misdemeanor.

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

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

24 Amendment 621 of the Constitution of Alabama
25 of 1901, now appearing as Section 111.05 of the
26 Official ReCompilation of the Constitution of
27 Alabama of 1901, as amended, prohibits a general

1 law whose purpose or effect would be to require a
2 new or increased expenditure of local funds from
3 becoming effective with regard to a local
4 governmental entity without enactment by a 2/3 vote
5 unless: it comes within one of a number of
6 specified exceptions; it is approved by the
7 affected entity; or the Legislature appropriates
8 funds, or provides a local source of revenue, to
9 the entity for the purpose.

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

17
18 A BILL
19 TO BE ENTITLED
20 AN ACT
21

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

1 false reporting to law enforcement authorities in the second
2 degree; and in connection therewith would have as its purpose
3 or effect the requirement of a new or increased expenditure of
4 local funds within the meaning of Amendment 621 of the
5 Constitution of Alabama of 1901, now appearing as Section
6 111.05 of the Official Recompilation of the Constitution of
7 Alabama of 1901, as amended.

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

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

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

1 12 years of age or younger in his or her care and immediately
2 report the child as missing to law enforcement.

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

5 Section 4. (a) A parent or guardian of a child 12
6 years of age or younger is guilty of failure to report a
7 missing child in the third degree if he or she willfully or by
8 culpable negligence fails, within 12 hours, to make contact
9 with or otherwise verify the whereabouts and safety of a child
10 12 years of age or younger in his or her care and immediately
11 report the child as missing to law enforcement.

12 (b) Failure to report a missing child in the third
13 degree is a Class A misdemeanor.

14 Section 5. (a) A parent or guardian of a child 12
15 years of age or younger commits the crime of failure to report
16 the death of a child if he or she fails to report the death of
17 the child while in his or her care to a law enforcement agency
18 within one hour of learning of the child's death or location
19 of the child's corpse.

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

22 Section 6. (a) A parent or guardian of a child 12
23 years of age or younger commits the crime of false reporting
24 to law enforcement authorities in the first degree if he or
25 she, with the intent to mislead the officer or impede the
26 investigation, knowingly and willfully gives false information
27 to a law enforcement officer who is conducting a missing

1 person investigation or a felony criminal investigation
2 involving the child.

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

5 Section 7. Section 13A-10-9, Code of Alabama 1975,
6 is amended to read as follows:

7 "§13A-10-9.

8 "(a) A person commits the crime of false reporting
9 to law enforcement authorities in the second degree if he or
10 she knowingly makes a false report or causes the transmission
11 of a false report to law enforcement authorities of a crime or
12 relating to a crime.

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

15 Section 8. Although this bill would have as its
16 purpose or effect the requirement of a new or increased
17 expenditure of local funds, the bill is excluded from further
18 requirements and application under Amendment 621, now
19 appearing as Section 111.05 of the Official Recompilation of
20 the Constitution of Alabama of 1901, as amended, because the
21 bill defines a new crime or amends the definition of an
22 existing crime.

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