

1 HB245  
2 125285-1  
3 By Representative Ford  
4 RFD: Judiciary  
5 First Read: 10-MAR-11

6

8 SYNOPSIS: Existing law does not provide for a specific  
9 crime relating to the filing of a false lien  
10 against an officer or employee of the state or an  
11 officer or employee of a political subdivision of  
12 the state.

13 This bill would make it a crime to file a  
14 false lien against an officer or employee of the  
15 state or an officer or employee of a political  
16 subdivision of the state.

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 Relating to crimes and offenses; to make it a crime  
16 to file a false lien against an officer or employee of the  
17 state or an officer or employee of a political subdivision of  
18 the state; to provide penalties; and in connection therewith  
19 to have as its purpose or effect the requirement of a new or  
20 increased expenditure of local funds within the meaning of  
21 Amendment 621 of the Constitution of Alabama of 1901, now  
22 appearing as Section 111.05 of the Official Recompilation of  
23 the Constitution of Alabama of 1901, as amended.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. (a) A person commits the crime of filing  
26 a false lien against a governmental officer or employee if he  
27 or she files, attempts to file, or conspires to file, in any

1 public record or in any private record which is generally  
2 available to the public, any false lien or encumbrance against  
3 the real or personal property of any officer or employee of  
4 the state or an officer or employee of a political subdivision  
5 of the state, knowing or having reason to know that the lien  
6 or encumbrance is false or contains any materially false,  
7 fictitious, or fraudulent statement or representation.

8 (b) Filing a false lien against a governmental  
9 officer or employee is a Class C felony.

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.