

1 SB38  
2 133438-1  
3 By Senators Dunn, Irons and Keahey  
4 RFD: Judiciary  
5 First Read: 07-FEB-12  
6 PFD: 09/16/2011

2  
3  
4  
5  
6  
7  
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  
12 classified as a 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, within 24 hours, to 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, within 24 hours, to 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. Although this bill would have as its  
6 purpose or effect the requirement of a new or increased  
7 expenditure of local funds, the bill is excluded from further  
8 requirements and application under Amendment 621, now  
9 appearing as Section 111.05 of the Official Recompilation of  
10 the Constitution of Alabama of 1901, as amended, because the  
11 bill defines a new crime or amends the definition of an  
12 existing crime.

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