

1 HB315
2 217105-1
3 By Representatives Givan, Moore (M), Rogers, Alexander,
4 Coleman, Scott, South, Treadaway, Faulkner, Drake, Hollis
5 and Garrett
6 RFD: Judiciary
7 First Read: 08-FEB-22

SYNOPSIS: This bill would create the crime of misrepresenting the police jurisdiction of a municipality and establish penalties for violations.

Amendment 621 of the Constitution of Alabama of 1901, as amended by Amendment 890, now appearing as Section 111.05 of the Official ReCompilation of the Constitution of Alabama of 1901, as amended, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the affected entity; or the Legislature appropriates funds, or provides a local source of revenue, to the entity for the purpose.

The purpose or effect of this bill would be to require a new or increased expenditure of local funds within the meaning of the amendment. However,

1 the bill does not require approval of a local
2 governmental entity or enactment by a 2/3 vote to
3 become effective because it comes within one of the
4 specified exceptions contained in the amendment.

5
6 A BILL
7 TO BE ENTITLED
8 AN ACT
9

10 Relating to crimes and offenses; to create the crime
11 of misrepresenting the police jurisdiction of a municipality;
12 to establish penalties for violations; and in connection
13 therewith would have as its purpose or effect the requirement
14 of a new or increased expenditure of local funds within the
15 meaning of Amendment 621 of the Constitution of Alabama of
16 1901, as amended by Amendment 890, now appearing as Section
17 111.05 of the Official ReCompilation of the Constitution of
18 Alabama of 1901, as amended.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. (a) (1) A person commits the crime of
21 misrepresenting the police jurisdiction of a municipality if
22 he or she knowingly misrepresents, by use of a sign, marker,
23 or other marking, the police jurisdiction of a municipality.

24 (2) A public official shall be guilty of a violation
25 of this section if he or she instructs another person to
26 misrepresent the police jurisdiction of a municipality.

1 (b) Misrepresenting the police jurisdiction of a
2 municipality is a Class A misdemeanor.

3 Section 2. Although this bill would have as its
4 purpose or effect the requirement of a new or increased
5 expenditure of local funds, the bill is excluded from further
6 requirements and application under Amendment 621, as amended
7 by Amendment 890, now appearing as Section 111.05 of the
8 Official Recompilation of the Constitution of Alabama of 1901,
9 as amended, because the bill defines a new crime or amends the
10 definition of an existing crime.

11 Section 3. This act shall become effective
12 immediately following its passage and approval by the
13 Governor, or its otherwise becoming law.