HB82

RRRGMNM-1

By Representatives Shaw, Hulsey

RFD: Judiciary

First Read: 06-Feb-24

PFD: 01-Feb-24

SYNOPSIS:

Under existing law, falsely reporting or causing the transmission of a false report of a crime, or relating to a crime, to law enforcement authorities is a Class A misdemeanor.

This bill would provide that falsely reporting, or causing the transmission of a false report of a crime is a Class C felony if the false report alleges imminent danger to a person or the public.

This bill would require a person convicted of false reporting, where the false report results in an emergency response or investigation of the commission of false reporting, be ordered to pay restitution for the false report.

This bill would further provide for sentencing for a violation.

Section 111.05 of the Constitution of Alabama of 2022, 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 section. However, the bill does not require approval of a local governmental entity or enactment by a 2/3 vote to become effective because it comes within one of the specified exceptions contained in the section.

A BILL

TO BE ENTITLED

AN ACT

Relating to crimes and offenses; to amend Section 13A-10-9, Code of Alabama 1975, to add additional activity that would constitute the crime of false reporting; to further provide for penalties; to require the payment of restitution in certain circumstances; 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 Section 111.05 of the Constitution of Alabama of 2022.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 13A-10-9, Code of Alabama 1975, is amended to read as follows:

"§13A-10-9

(a) A person commits the crime of false reporting to local, state, or federal law enforcement authorities if he or

she knowingly makes a false report or causes the transmission of a false report to local, state, or federal law enforcement authorities of a crime or relating to a crime.

(b) False reporting to local, state, or federal law enforcement authorities is a Class A misdemeanor, unless the false report alleges imminent danger to a person or the public, where the penalty shall be a Class C felony.

(c) A person convicted of a violation of this section, where the false report results in an emergency response or investigation of the commission of false reporting, shall be ordered to pay restitution for the expenses incurred by any local, state, or federal law enforcement or assisting governmental agency. Expenses include any reasonable costs directly incurred, including the costs of police, firefighting, and emergency medical services, and the personnel costs of those persons who respond to the incident.

(d) The term of imprisonment imposed for a felony violation of this section shall be served day for day and shall not be reduced or suspended by any provision of law."

Section 2. Although this bill would have as its purpose or effect the requirement of a new or increased expenditure of local funds, the bill is excluded from further requirements and application under Section 111.05 of the Constitution of Alabama of 2022, because the bill defines a new crime or amends the definition of an existing crime.

Section 3. This act shall become effective on October 1, 2024.