SB57

81RCFH2-1

By Senator Orr

RFD: Judiciary

First Read: 06-Feb-24

SYNOPSIS:

This bill would prohibit a person from picketing or protesting at or near the residence of any individual with the intent to harass or intimidate and would provide criminal penalties for violations.

This bill would require law enforcement officers to ask a person who is protesting to peacefully leave the premises before placing that person under arrest.

This bill would allow municipalities or counties to adopt ordinances or resolutions to regulate the time and noise level of any picketing or protesting in a residential area.

This bill would create the crime of swatting, to prohibit a person from knowingly making a false report to law enforcement or other emergency services that causes an emergency response from a law enforcement officer or other emergency responder and an individual suffers serious bodily injury or death as a direct result of lawful conduct arising from the report and would provide criminal penalties for violations.

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 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 prohibit a person from picketing or protesting in certain circumstances; to allow counties and municipalities to adopt ordinances or regulations regarding time and noise regulations in certain circumstances; to create the crime of swatting; to provide that it is unlawful for a person to knowingly make a false report in certain circumstances; to provide criminal penalties for violations; and in connection therewith would have as its purpose of 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. (a) For the purpose of this section, the following terms have the following meanings:

(1) LAW ENFORCEMENT OFFICER. An officer employed by the state, or a county or municipality who is certified by the Alabama Peace Officers' Standards and Training Commission and who has the power to arrest.

(2) RESIDENCE. A building or structure, having a physical address or street number, that provides shelter in which a person resides.

(b) No person shall picket or protest at or near a residence occupied or used by any individual with the intent to harass, intimidate, or disturb that individual or other individuals who reside at that residence.

(c) A violation of this section is a Class C misdemeanor. A second or subsequent violation of this section is a Class B misdemeanor.

(d) Prior to making an arrest for a violation of this section, a law enforcement officer shall instruct the person who is picketing or protesting to immediately and peaceably disperse.

(e) This section may be enforced by the Alabama State Law Enforcement Agency if a local law enforcement agency fails to enforce this section.

(f)(1) Municipalities and counties, by ordinance or resolution, may adopt regulations to limit the time frame and noise level of any picketing or protesting in residential areas.

(2) Violations of ordinances or resolutions adopted pursuant to this section shall be enforced in the same manner as violations of this section.

Section 2. (a) A person commits the crime of swatting if all of the following occur:

(1) He or she knowingly makes, or causes to be made, a false report to an emergency service provider, as defined in Section 11-98-1, Code of Alabama 1975.

(2) The report causes an emergency response from an emergency service provider, as defined in Section 11-98-1, Code of Alabama 1975.

(3) An individual suffered serious bodily injury or death as a direct result of lawful conduct arising from the false report.

(b) Swatting is a Class B felony.

Section 3. Although this bill would have as its purpose or effect the requirement of a new or increased expenditure of local funds, the bills 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 4. This act shall become effective on October 1, 2024.