

1 SB197
2 125285-1
3 By Senators Waggoner and Ward
4 RFD: Judiciary
5 First Read: 10-MAR-11

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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.

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11 A BILL
12 TO BE ENTITLED
13 AN ACT

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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.