

1 HB1
2 143508-1
3 By Representative Givan
4 RFD: Judiciary
5 First Read: 05-FEB-13
6 PFD: 12/07/2012

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8 SYNOPSIS: This bill would provide for the crime of
9 failure to report a missing child and failure to
10 report the death of a child classified as a Class C
11 felony.

12 This bill would provide for false reporting
13 to law enforcement authorities in the first degree
14 classified as a Class C felony and false reporting
15 to law enforcement authorities in the second degree
16 classified as a Class A misdemeanor.

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.

10
11 A BILL
12 TO BE ENTITLED
13 AN ACT
14

15 To provide for the crimes of failure to report a
16 missing child, failure to report the death of a child, and
17 false reporting to law enforcement authorities in the first
18 and second degrees; and in connection therewith would have as
19 its purpose or effect the requirement of a new or increased
20 expenditure of local funds within the meaning of Amendment 621
21 of the Constitution of Alabama of 1901, now appearing as
22 Section 111.05 of the Official Recompilation of the
23 Constitution of Alabama of 1901, as amended.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. This act shall be known and may be cited
26 as Caylee's Law.

1 Section 2. For purposes of this act, the following
2 terms shall have the meanings respectively ascribed to them by
3 this section:

4 (1) CHILD. Any individual less than 18 years of age.

5 (2) CUSTODIAN. A child's parent, legal guardian,
6 legal custodian, or other person charged with the physical
7 custody of a minor child by an order of a court of competent
8 jurisdiction.

9 Section 3. (a) A child's custodian shall have a duty
10 to report, or cause a report to be made, to a law enforcement
11 officer or agency that the child is missing when the child's
12 whereabouts are unknown to the custodian and the custodian
13 knows, believes, or has substantial reason to believe any of
14 the following:

15 (1) That the child's whereabouts are also unknown to
16 any person under whose temporary supervision the custodian
17 placed the child.

18 (2) That the child did not voluntarily leave the
19 care and control of the custodian and the taking of the child
20 was not authorized by law.

21 (3) That the child voluntarily left the care and
22 control of the custodian without the custodian's consent and
23 without the intent to return.

24 (b) The report required under subsection (a) shall
25 be made verbally, either by telephone or direct communication,
26 followed by a written report as requested by a law enforcement
27 officer.

1 Section 4. (a) A child's custodian who is subject to
2 the duty imposed by Section 3 is guilty of failure to report a
3 missing child if he or she fails or delays to make, or fails
4 to cause to be made, the required report with willful or
5 reckless disregard for the safety of the child and the child
6 suffers death, great bodily harm, permanent disability, or
7 disfigurement while missing.

8 (b) Failure to report a missing child is a Class C
9 felony.

10 Section 5. It is a defense to prosecution under
11 Section 4 that the custodian made reasonable efforts to verify
12 the whereabouts and safety of the child during the period of
13 any delay in making the report required by Section 3.

14 Section 6. (a) Except as provided by subsection (b)
15 of this section, a custodian of a child commits the crime of
16 failure to report the death of a child if he or she
17 intentionally fails to report the death of the child to a law
18 enforcement officer or law enforcement agency within four
19 hours of learning of the child's death or location of the
20 child's corpse.

21 (b) A person does not have a duty to report the
22 death of a child if the death is otherwise known to or occurs
23 in the presence of a law enforcement agent or health care
24 provider or is reported to an appropriate official such as a
25 coroner or the funeral for the child is handled by a licensed
26 funeral director.

1 (c) Failure to report the death of a child is a
2 Class C felony.

3 Section 7. (a) A person commits the crime of false
4 reporting to law enforcement authorities in the first degree
5 if he or she, with the intent to mislead the officer or impede
6 the investigation, knowingly and willfully gives false
7 information to a law enforcement officer who is conducting a
8 missing person investigation or a felony criminal
9 investigation involving a missing child.

10 (b) False reporting to law enforcement authorities
11 in the first degree is a Class C felony.

12 Section 8. Section 13A-10-9, Code of Alabama 1975,
13 is amended to read as follows:

14 "§13A-10-9.

15 "(a) A person commits the crime of false reporting
16 to law enforcement authorities in the second degree if he or
17 she knowingly makes a false report or causes the transmission
18 of a false report to law enforcement authorities of a crime or
19 relating to a crime.

20 "(b) False reporting to law enforcement authorities
21 in the second degree is a Class A misdemeanor."

22 Section 9. Although this bill would have as its
23 purpose or effect the requirement of a new or increased
24 expenditure of local funds, the bill is excluded from further
25 requirements and application under Amendment 621, now
26 appearing as Section 111.05 of the Official Recompilation of
27 the Constitution of Alabama of 1901, as amended, because the

1 bill defines a new crime or amends the definition of an
2 existing crime.

3 Section 10. This act shall become effective on the
4 first day of the third month following its passage and
5 approval by the Governor, or its otherwise becoming law.