

1 SB1
2 143561-1
3 By Senators Taylor, Beason, Williams, Scofield, McGill, Marsh,
4 Allen, Glover and Holley
5 RFD: Judiciary
6 First Read: 05-FEB-13
7 PFD: 05/24/2012

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8 SYNOPSIS: This bill would provide for the crime of
9 failure to report a missing child in the first
10 degree classified as a Class C felony and failure
11 to report a missing child in the second degree
12 classified as a Class A misdemeanor.

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

26 The purpose or effect of this bill would be
27 to require a new or increased expenditure of local

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

6
7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 To provide for the crimes of failure to report a
12 missing child in the first and second degrees; and in
13 connection therewith would have as its purpose or effect the
14 requirement of a new or increased expenditure of local funds
15 within the meaning of Amendment 621 of the Constitution of
16 Alabama of 1901, now appearing as Section 111.05 of the
17 Official Recompilation of the Constitution of Alabama of 1901,
18 as amended.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

25 (1) ABDUCTION. The removal or retention of a child
26 without the consent of the child's custodian.

1 (2) CHILD. A person who is less than 18 years of
2 age.

3 (3) CUSTODIAN. A child's father or mother, whether
4 biological or adoptive, a child's legally appointed guardian,
5 or the spouse of a child's father, mother, or legally
6 appointed guardian. In the case where only one parent has
7 legal custody, the term means the parent with legal custody or
8 his or her spouse.

9 (4) GUARDIAN. A guardian as defined in Section
10 26-2A-20, Code of Alabama 1975.

11 (5) LOST CHILD. A child who is unable to find his or
12 her way back to his or her custodian.

13 (6) RUNAWAY CHILD. A child who voluntarily absents
14 himself or herself from the control of his or her custodian
15 with intent to remain away indefinitely.

16 Section 3. (a) A child's custodian shall report, or
17 cause a report to be made, to a law enforcement officer or
18 agency that the child is missing when the child's whereabouts
19 are unknown to the custodian and the custodian knows,
20 believes, or has substantial reason to believe any of the
21 following:

22 (1) That the child's whereabouts are unknown to any
23 person under whose temporary supervision the custodian placed
24 the child.

25 (2) That the child is the victim of an abduction or
26 the victim of serious bodily harm, abuse, or sexual
27 exploitation.

1 (3) That the child is a lost or runaway child.

2 (b) The report required under subsection (a) shall
3 be made verbally, either by telephone or direct communication,
4 followed by a written report as requested by a law enforcement
5 official.

6 Section 4. (a) A child's custodian who is subject to
7 the duty imposed by Section 3 is guilty of failure to report a
8 missing child in the second degree if he or she fails or
9 delays to make, or fails to cause to be made, the required
10 report with willful or reckless disregard for the safety of
11 the child.

12 (b) Failure to report a missing child in the second
13 degree is a Class A misdemeanor.

14 Section 5. (a) A child's custodian who is subject to
15 the duty imposed by Section 3 is guilty of failure to report a
16 missing child in the first degree if he or she fails or delays
17 to make, or fails to cause to be made, the required report
18 with willful or reckless disregard for the safety of the child
19 and the child suffers serious bodily harm or death.

20 (b) Failure to report a missing child in the first
21 degree is a Class C felony.

22 Section 6. It is a defense to prosecution under this
23 act that the custodian made reasonably diligent efforts to
24 verify the whereabouts and safety of the child during the
25 period of any delay in making the report required by Section
26 3.

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

9 Section 8. This act shall become effective on the
10 first day of the third month following its passage and
11 approval by the Governor, or its otherwise becoming law.