

1 HB39  
2 178805-1  
3 By Representative Rowe  
4 RFD: Ways and Means General Fund  
5 First Read: 15-AUG-16

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8 SYNOPSIS: Existing law does not provide a specific  
9 remedy for the state to pursue damages sustained  
10 when a person or entity commits false or fraudulent  
11 acts against the state.

12 This bill would establish the Alabama  
13 Medicaid False Claims Act, to provide a remedy for  
14 fraudulent claims in the Alabama Medicaid program.

15 This bill would provide that certain persons  
16 who make false claims or commit fraud against the  
17 Medicaid program would be liable to the state for  
18 three times the amount of damage sustained, a civil  
19 penalty, and any associated costs, including  
20 attorneys' fees.

21 This bill would provide for the  
22 responsibilities of the Attorney General and  
23 private individuals in investigating and proceeding  
24 against violators in civil actions.

25 This bill would prohibit any employer from  
26 taking retaliatory action or preventing an employee  
27 from disclosing information to government or law

1 enforcement agencies investigating false or  
2 fraudulent claims actions.

3 This bill would also provide for the  
4 limitation of actions.

5 Also under existing law, criminal penalties  
6 are provided for receiving certain remuneration for  
7 certain referrals for Medicaid payments or in  
8 return for purchasing, leasing, ordering, or  
9 arranging certain goods or services to be paid by  
10 Medicaid.

11 This bill would provide that a person must  
12 knowingly engage in the prohibited conduct in order  
13 to be subject to the criminal penalties, would  
14 provide that the criminal penalties do not apply to  
15 certain safe harbor exceptions included in federal  
16 law, would define a person to include a corporation  
17 or other business entity, and would provide for a  
18 six-year statute of limitations for prosecution of  
19 the offenses.

20 Amendment 621 of the Constitution of Alabama  
21 of 1901, now appearing as Section 111.05 of the  
22 Official Recompilation of the Constitution of  
23 Alabama of 1901, as amended, prohibits a general  
24 law whose purpose or effect would be to require a  
25 new or increased expenditure of local funds from  
26 becoming effective with regard to a local  
27 governmental entity without enactment by a 2/3 vote

1 unless: it comes within one of a number of  
2 specified exceptions; it is approved by the  
3 affected entity; or the Legislature appropriates  
4 funds, or provides a local source of revenue, to  
5 the entity for the purpose.

6 The purpose or effect of this bill would be  
7 to require a new or increased expenditure of local  
8 funds within the meaning of the amendment. However,  
9 the bill does not require approval of a local  
10 governmental entity or enactment by a 2/3 vote to  
11 become effective because it comes within one of the  
12 specified exceptions contained in the amendment.

13  
14 A BILL  
15 TO BE ENTITLED  
16 AN ACT

17  
18 Relating to Medicaid fraud; to create the Alabama  
19 Medicaid False Claims Act, relating to false or fraudulent  
20 claims made upon the Alabama Medicaid program; to subject  
21 certain violators making false claims or committing fraud  
22 against the Alabama Medicaid Agency to treble damages and  
23 civil penalties; to provide for associated investigative  
24 costs; to provide for exceptions; to provide for the  
25 responsibilities of the Attorney General and private  
26 individuals in investigating and proceeding against violators  
27 in civil actions; to prohibit retaliatory actions by employers

1 against employees who disclose information to government or  
2 law enforcement agencies investigating false claims; to  
3 provide for the limitation of actions; to amend Section  
4 22-1-11, Code of Alabama 1975, relating to false statements or  
5 claims on applications for payment of medical benefits from  
6 the Medicaid Agency, to provide that a person must knowingly  
7 engage in the conduct in order to be subject to the criminal  
8 penalties; to provide that the criminal penalties do not apply  
9 to certain activity excepted by federal law; to provide for a  
10 six-year statute of limitations; to define person to include  
11 business entities; and in connection therewith would have as  
12 its purpose or effect the requirement of a new or increased  
13 expenditure of local funds within the meaning of Amendment 621  
14 of the Constitution of Alabama of 1901, now appearing as  
15 Section 111.05 of the Official Recompilation of the  
16 Constitution of Alabama of 1901, as amended.

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

18 Section 1. Sections 1 through 6 of this act shall be  
19 known and may be cited as the Alabama Medicaid False Claims  
20 Act.

21 Section 2. For the purposes of this act, the  
22 following terms shall have the following meanings:

23 (1) CLAIM. Any request or demand, whether under a  
24 contract or otherwise, for money or property and whether or  
25 not the state has title to the money or property, based on  
26 costs or projected costs and including any entry or omission  
27 in a cost report or similar document, book of account, or any

1 other document that supports or attempts to support the claim  
2 that satisfies either of the following:

3 a. Is presented to the Alabama Medicaid Agency, its  
4 employees, agents, contractors, or its designated fiscal  
5 intermediary.

6 b. Is made to a contractor, grantee, or other  
7 recipient, if the money or property is to be spent or used on  
8 the Alabama Medicaid Agency's behalf or to advance an Alabama  
9 Medicaid Agency program or interest, and if the Alabama  
10 Medicaid Agency provides or has provided any portion of the  
11 money or property requested or will reimburse such contractor,  
12 grantee, or other recipient for any portion of the money or  
13 property which is requested or demanded.

14 (2) KNOWING or KNOWINGLY. A person, with respect to  
15 information, satisfies any of the following:

16 a. Has actual knowledge of the information.

17 b. Acts in deliberate ignorance of the truth or  
18 falsity of the information.

19 c. Acts in reckless disregard of the truth or  
20 falsity of the information.

21 (3) PERSON. Any natural person, corporation, firm,  
22 association, organization, partnership, limited liability  
23 company, business, or trust.

24 (4) MATERIAL. Having a natural tendency to  
25 influence, or be capable of influencing, the payment or  
26 receipt of money or property.

1           (5) OBLIGATION. An established duty, whether or not  
2 fixed, arising from an express or implied contractual,  
3 grantor-grantee, or licensor-licensee relationship, from a  
4 fee-based or similar relationship, from statute or regulation,  
5 or from the retention of any overpayment.

6           Section 3. (a) (1) Except as otherwise provided in  
7 subdivision (3), a person who does any of the following is  
8 liable to the state for a civil penalty of not less than five  
9 thousand five hundred dollars (\$5,500) and not more than  
10 eleven thousand dollars (\$11,000) for each claim, as adjusted  
11 by the Federal Civil Penalties Inflation Adjustment Act of  
12 1990, plus three times the amount of damages which the state  
13 sustains because of the act of that person and the costs of a  
14 civil action brought to recover any penalty or damages:

15           a. Knowingly presents, or causes to be presented, a  
16 false or fraudulent claim for payment or approval to the  
17 Alabama Medicaid program.

18           b. Knowingly makes, uses, or causes to be made or  
19 used, a false or fraudulent record or statement material to a  
20 false or fraudulent claim to the Alabama Medicaid program.

21           c. Knowingly makes, uses, or causes to be made or  
22 used, a false record or statement material to an obligation to  
23 pay or transmit money or property to the Alabama Medicaid  
24 program, or knowingly conceals or knowingly and improperly  
25 avoids or decreases an obligation to pay or transmit money or  
26 property to the Alabama Medicaid program.

1           d. Conspires to commit a violation of paragraph a.,  
2 b., or c.

3           (2) No proof of specific intent to defraud is  
4 required under this section.

5           (3) The court shall assess two times the amount of  
6 damages which the state sustains because of the act of the  
7 person if it finds all of the following:

8           a. The person committing the violation of this  
9 subsection furnished officials of the state responsible for  
10 investigating false claims violations with all information  
11 known to the person about the violation within 30 days after  
12 the date on which the defendant first obtained the  
13 information.

14           b. The person fully cooperated with any state  
15 investigation of the violation of this subsection.

16           c. At the time the person furnished the state with  
17 the information about the violation, no criminal prosecution,  
18 civil action, or administrative action had commenced with  
19 respect to the violation, and the person did not have actual  
20 knowledge of the existence of an investigation into the  
21 violation.

22           (b) (1) A person who engages, has engaged, or  
23 proposes to engage in any act described by subsection (a) may  
24 be enjoined in any court of competent jurisdiction in an  
25 action brought by the Attorney General.

26           (2) The action shall be brought in the name of the  
27 state and shall be granted if it is clearly shown that the



1 state's rights are being violated by the person and the state  
2 will suffer immediate and irreparable injury, loss, or damage  
3 pending a final judgment in the action, or that the acts or  
4 omissions of the person will tend to render such final  
5 judgment ineffectual.

6 (3) The court may make such orders or judgments,  
7 including the appointment of a receiver, as may be necessary  
8 to prevent any act described by subsection (a) by any person,  
9 or as may be necessary to restore to the Medicaid program any  
10 money or property, real or personal, which may have been  
11 acquired by means of the act.

12 Section 4. (a) The Attorney General shall diligently  
13 investigate a violation of this act. If the Attorney General  
14 finds that a person has violated or is violating this act, he  
15 or she may bring a civil action under this section against the  
16 person.

17 (b) (1) A private person may bring a civil action for  
18 a violation of this act for the person and for the state. The  
19 action shall be brought in the name of the State of Alabama.  
20 The action may be dismissed only if the court and the Attorney  
21 General give written consent to the dismissal and their  
22 reasons for consenting.

23 (2) A copy of the complaint and written disclosure  
24 of substantially all material evidence and information the  
25 person possesses shall be served on the state. The complaint  
26 shall be filed in camera, shall remain under seal for at least  
27 60 days, and shall not be served on the defendant until the

1 court so orders. The state may elect to intervene and proceed  
2 with the action within 60 days after it receives both the  
3 complaint and the material evidence and information.

4 (3) The state, for good cause shown, may move the  
5 court for extensions of the time during which the complaint  
6 remains under seal under subdivision (2). The motion may be  
7 supported by affidavits or other submissions in camera. The  
8 defendant may not be required to respond to any complaint  
9 filed under this section until 20 days after the complaint is  
10 unsealed and served upon the defendant.

11 (4) Before the expiration of the 60-day period or  
12 any extensions obtained under subdivision (3), the state shall  
13 do either of the following:

14 a. Proceed with the action, in which case the action  
15 shall be conducted by the state.

16 b. Notify the court that it declines to take over  
17 the action, in which case the person bringing the action shall  
18 have the right to conduct the action.

19 (5) When a person brings an action under this  
20 subsection, no person other than the state may intervene or  
21 bring a related action based on the facts underlying the  
22 pending action.

23 (c) (1) If the state proceeds with the action, it  
24 shall have the primary responsibility for prosecuting the  
25 action, and may not be bound by an act of the person bringing  
26 the action. The person shall have the right to continue as a

1 party to the action, subject to the limitations set forth in  
2 subdivision (2).

3 (2)a. The state may dismiss the action  
4 notwithstanding the objections of the person initiating the  
5 action, if the person has been notified by the state of the  
6 filing of the motion and the court has provided the person  
7 with an opportunity for a hearing on the motion.

8 b. The state may settle the action with the  
9 defendant notwithstanding the objections of the person  
10 initiating the action, if the court determines, after a  
11 hearing, that the proposed settlement is fair, adequate, and  
12 reasonable under the circumstances. Upon a showing of good  
13 cause, the hearing may be held in camera.

14 c. Upon a showing by the state that unrestricted  
15 participation during the course of the litigation by the  
16 person initiating the action would interfere with or unduly  
17 delay the state's prosecution of the case, or would be  
18 repetitious, irrelevant, or for purposes of harassment, the  
19 court may impose limitations on the person's participation,  
20 such as any of the following:

21 1. Limiting the number of witnesses the person may  
22 call.

23 2. Limiting the length of the testimony of such  
24 witnesses.

25 3. Limiting the person's cross-examination of  
26 witnesses.

1           4. Otherwise limiting the participation by the  
2 person in the litigation.

3           d. Upon a showing by the defendant that unrestricted  
4 participation during the course of the litigation by the  
5 person initiating the action would be for purposes of  
6 harassment or would cause the defendant undue burden or  
7 unnecessary expense, the court may limit the participation by  
8 the person in the litigation.

9           (3) If the state elects not to proceed with the  
10 action, the person who initiated the action shall have the  
11 right to conduct the action. If the state so requests, it  
12 shall be served with copies of all pleadings filed in the  
13 action and shall be supplied with copies of all deposition  
14 transcripts, at the state's expense. When a person proceeds  
15 with the action, the court, without limiting the status and  
16 rights of the person initiating the action, may nevertheless  
17 permit the state to intervene at a later date upon a showing  
18 of good cause.

19           (4) Whether or not the state proceeds with the  
20 action, upon a showing by the state that certain actions of  
21 discovery by the person initiating the action would interfere  
22 with the state's investigation or prosecution of a criminal or  
23 civil matter arising out of the same facts, the court may stay  
24 the discovery for a period of not more than 60 days. Such a  
25 showing shall be conducted in camera. The court may extend the  
26 60-day period upon a further showing in camera that the state  
27 has pursued the criminal or civil investigation or proceedings

1 with reasonable diligence and any proposed discovery in the  
2 civil action will interfere with the ongoing criminal or civil  
3 investigation or proceedings.

4 (5) Notwithstanding subsection (b), the state may  
5 elect to pursue its claim through any alternate remedy  
6 available to the state, including any administrative  
7 proceeding to determine a civil monetary penalty. If any  
8 alternate remedy is pursued in another proceeding, the person  
9 initiating the action shall have the same rights in the  
10 proceedings as the person would have had if the action had  
11 continued under this section. Any finding of fact or  
12 conclusion of law made in the other proceeding that has become  
13 final shall be conclusive on all parties to an action under  
14 this section. For purposes of this subdivision, a finding or  
15 conclusion is final if it has been finally determined on  
16 appeal to the appropriate court of jurisdiction, if all time  
17 for filing such an appeal with respect to the finding or  
18 conclusion has expired, or if the finding or conclusion is not  
19 subject to judicial review.

20 (d) (1) a. If the state proceeds with an action  
21 brought by a person under subsection (a), a person, subject to  
22 paragraph b., shall receive at least 15 percent, but not more  
23 than 25 percent of the proceeds of the action or settlement of  
24 the claim, depending upon the extent to which the person  
25 substantially contributed to the prosecution of the action.

26 b. Where the action is one that the court finds to  
27 be based primarily on disclosures of specific information,

1 other than information provided by the person bringing the  
2 action, relating to allegations or transactions in a criminal,  
3 civil, or administrative hearing, report, audit,  
4 investigation, or from the news media, the court may award  
5 such sums as it considers appropriate, but in no case more  
6 than 10 percent of the proceeds, taking into account the  
7 significance of the information and the role of the person  
8 bringing the action in advancing the case to litigation.

9 c. Any payment to a person under paragraph a. or b.  
10 shall be made from the proceeds. The person shall also receive  
11 an amount for reasonable expenses that the court finds to have  
12 been necessarily incurred, plus reasonable attorney's fees and  
13 costs. All expenses, fees, and costs shall be awarded against  
14 the defendant.

15 (2) If the state does not proceed with an action  
16 under this section, the person bringing the action or settling  
17 the claim shall receive an amount that the court decides is  
18 reasonable for collecting the civil penalty and damages. The  
19 amount shall be not less than 25 percent and not more than 30  
20 percent of the proceeds of the action or settlement and shall  
21 be paid out of such proceeds. The person shall also receive an  
22 amount for reasonable expenses which the court finds to have  
23 been necessarily incurred, plus reasonable attorney's fees and  
24 costs. All expenses, fees, and costs shall be awarded against  
25 the defendant.

26 (3) Whether or not the state proceeds with the  
27 action, if the court finds that the action was brought by a

1 person who planned and initiated the violation upon which the  
2 action was brought, then the court, to the extent the court  
3 considers appropriate, may reduce the share of the proceeds of  
4 the action that the person would otherwise receive under  
5 subdivision (1) or (2), taking into account the role of that  
6 person in advancing the case to litigation and any relevant  
7 circumstances pertaining to the violation. If the person  
8 bringing the action is convicted of criminal conduct arising  
9 from the person's role in the filing of the false claim upon  
10 which action is brought pursuant to this act, that person  
11 shall be dismissed from the civil action and shall not receive  
12 any share of the proceeds of the action. The dismissal does  
13 not prejudice the right of the state to continue the action.

14 (4) If the state does not proceed with the action  
15 and the person bringing the action conducts the action, the  
16 court shall award to the defendant its reasonable attorney's  
17 fees and expenses if the defendant prevails in the action and  
18 the court finds that the claim of the person bringing the  
19 action was clearly frivolous, clearly vexatious, or brought  
20 primarily for purposes of harassment.

21 (e) (1) In no event may a person bring an action  
22 under subsection (b) that is based upon allegations or  
23 transactions that are the subject of a civil suit or an  
24 administrative civil monetary penalty proceeding in which the  
25 state is already a party.

26 (2)a. The court shall dismiss an action or claim  
27 brought under subsection (b), unless opposed by the Attorney

1 General, if substantially the same allegations or transactions  
2 as alleged in the action or claim were publicly disclosed  
3 under any of the following circumstances:

4 1. In a criminal, civil, or administrative hearing  
5 in which the state or its agent is a party.

6 2. In a state report, hearing audit, or  
7 investigation.

8 3. From the news media, unless the action is brought  
9 by the Attorney General or the person bringing the action is  
10 an original source of the information.

11 b. For purpose of this subdivision "original source"  
12 means an individual who either:

13 1. Prior to a public disclosure has voluntarily  
14 disclosed to the state the information on which allegations or  
15 transactions in a claim are based.

16 2. Has knowledge that is independent of and  
17 materially adds to the publicly disclosed allegations or  
18 transactions, and voluntarily provided the information to the  
19 state before filing an action under this section.

20 (f) The state is not liable for expenses that a  
21 person incurs in bringing an action under this section.

22 (g) (1) Any employee, contractor, agent, or  
23 associated others who are discharged, demoted, suspended,  
24 threatened, harassed, or in any other manner discriminated  
25 against in the terms and conditions of employment because of  
26 lawful acts done by the employee, contractor, agent, or  
27 associated others in furtherance of an action under this



1 section or other efforts to stop one or more violations of  
2 this act, shall be entitled to all relief necessary to make  
3 the employee whole.

4 (2) Relief shall include reinstatement with the same  
5 seniority status the employee, contractor, agent, or  
6 associated others would have had but for the discrimination,  
7 two times the amount of back pay, interest on the back pay,  
8 and compensation for any special damages sustained as a result  
9 of the discrimination, including litigation costs and  
10 reasonable attorney's fees. An employee may bring an action in  
11 the appropriate court for the relief provided in this  
12 subsection.

13 (3) A civil action brought pursuant to this  
14 subsection may not be brought more than three years after the  
15 date when the retaliation occurred.

16 Section 5. (a) A subpoena requiring the attendance  
17 of a witness at a trial or hearing conducted under this act  
18 may be served at any place in the United States.

19 (b) A civil action under this act may not be  
20 brought:

21 (1) More than six years after the date on which the  
22 violation of this act is committed; or

23 (2) More than three years after the date when facts  
24 material to the right of action are known or reasonably should  
25 have been known by the official of the state charged with  
26 responsibility to act in the circumstances, but in no event

1 more than 10 years after the date on which the violation is  
2 committed, whichever occurs last.

3 (c) (1) If the state elects to intervene and proceed  
4 with an action brought under this act, the state may file its  
5 own complaint or amend the complaint of a person who has  
6 brought an action under this act to clarify or add detail to  
7 the claims in which the state is intervening and to add any  
8 additional claims with respect to which the state contends it  
9 is entitled to relief.

10 (2) For statute of limitations purposes, any state  
11 pleading shall relate back to the filing date of the complaint  
12 of the person who originally brought the action, to the extent  
13 that the claim of the state arises out of the same conduct,  
14 transactions, or occurrences set forth, or attempted to set  
15 forth, in the prior complaint of that person.

16 (d) In any action brought under this act, the state  
17 shall be required to prove all essential elements of the cause  
18 of action, including damages, by a preponderance of the  
19 evidence.

20 (e) Notwithstanding any other provision of law, the  
21 Alabama Rules of Criminal Procedure, or the Alabama Rules of  
22 Evidence, a final judgment rendered in favor of the state in  
23 any criminal proceeding charging fraud or false statements,  
24 whether upon a verdict after trial or upon a plea of guilty  
25 shall estop the defendant from denying the essential elements  
26 of the offense in any action that involves the same

1 transaction as in the criminal proceeding and that is brought  
2 under this act.

3 Section 6. Any action under this act may be brought  
4 in any judicial circuit in which the defendant or, in the case  
5 of multiple defendants, any one defendant can be found,  
6 resides, transacts business, or in which any act proscribed by  
7 this act occurred. A summons as required by the Alabama Rules  
8 of Civil Procedure shall be issued by the appropriate circuit  
9 court clerk and served at any place within or outside the  
10 United States.

11 Section 7. Section 22-1-11, Code of Alabama 1975, is  
12 amended to read as follows:

13 "§22-1-11.

14 "(a) Any person who, with intent to defraud or  
15 deceive, makes, or causes to be made or assists in the  
16 preparation of any false statement, representation, or  
17 omission of a material fact in any claim or application for  
18 any payment, regardless of amount, from the Medicaid Agency,  
19 knowing the same to be false; or with intent to defraud or  
20 deceive, makes, or causes to be made, or assists in the  
21 preparation of any false statement, representation, or  
22 omission of a material fact in any claim or application for  
23 medical benefits from the Medicaid Agency, knowing the same to  
24 be false; shall be guilty of a Class B felony ~~and upon~~  
25 ~~conviction thereof shall be fined not more than ten thousand~~  
26 ~~dollars (\$10,000) or imprisoned for not less than one nor more~~  
27 ~~than five years, or both.~~ The offense set out herein shall not

1 be complete until the claim or application is received by the  
2 Medicaid Agency or the contractor with the Medicaid Agency or  
3 its successor.

4 "(b) Any person who knowingly solicits or receives  
5 any remuneration, including any kickback, bribe, or rebate,  
6 directly or indirectly, overtly or covertly, in cash or in  
7 kind:

8 "(1) In return for referring an individual to a  
9 person for the furnishing or arranging for the furnishing of  
10 any item or service for which payment may be made in whole or  
11 in part by the Medicaid Agency or its agents, or

12 "(2) In return for purchasing, leasing, ordering, or  
13 arranging for or recommending purchasing, leasing, or ordering  
14 any good, facility, service, or item for which payment may be  
15 made in whole or in part by the Medicaid Agency, or its agents  
16 shall be guilty of a Class B felony ~~and upon conviction~~  
17 ~~thereof, shall be fined not more than ten thousand dollars~~  
18 ~~(\$10,000) or imprisoned for not less than one nor more than~~  
19 ~~five years, or both.~~

20 "(c) Any person who knowingly offers or pays any  
21 remuneration including any kickback, bribe, or rebate directly  
22 or indirectly, overtly or covertly, in cash or in kind to any  
23 person to induce a person to refer an individual to a person  
24 for the furnishing or arranging for the furnishing of any item  
25 or service for which payment may be made in whole or in part  
26 by the Medicaid Agency or its agents, or to purchase, lease,  
27 order, or arrange for or recommend purchasing, leasing, or

1 ordering any good, facility, service, or item for which  
2 payment may be made in whole or in part by the Medicaid  
3 Agency, or its agents, shall be guilty of a Class B felony ~~and~~  
4 ~~upon conviction thereof shall be fined not more than ten~~  
5 ~~thousand dollars (\$10,000) or imprisoned for not less than one~~  
6 ~~nor more than five years, or both.~~

7 "(d) (1) Subsections (b) and (c) of this section  
8 shall not apply to a discount or other reduction in price  
9 obtained by a provider of services or other entity under  
10 Medicaid if the reduction in price is properly disclosed and  
11 appropriately reflected in costs claimed or charges made by  
12 the provider or entity to the Medicaid Agency or its agents,  
13 or any amount paid by an employer to an employee who has a  
14 bona fide employment relationship with employer for employment  
15 in the provision of covered items or services.

16 "(2) Subsections (b) and (c) do not apply to any  
17 payment practice identified as an exception enumerated in 42  
18 C.F.R. 1001.952.

19 "(e) Any two or more offenses in violation of this  
20 section may be charged in the same indictment in separate  
21 counts for each offense and the offense shall be tried  
22 together, with separate sentences being imposed for each  
23 offense for which the defendant is found guilty.

24 "(f) No prosecution under this section may be  
25 commenced after six years from the date of the completion of  
26 the offense.

1                   "(g) For the purposes of this section, the term  
2                   "person" includes any individual, partnership, corporation, or  
3                   association."

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

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