HB529

177309-4

By Representatives Crawford, McCutcheon, Greer, Williams (JW), Wilcox, Ainsworth, Sessions and Garrett

RFD: Judiciary

First Read: 12-APR-16

ENROLLED, An Act,

To amend Section 13A-11-163, Code of Alabama 1975, relating to defamation; to require that the publishing or other dissemination of a false allegation be made with "actual malice"; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 13A-11-163, Code of Alabama 1975, is amended to read as follows:

"§13A-11-163.

"Any person who ~~writes, prints or speaks of and concerning any woman, falsely imputing to her a want of chastity; and any person who speaks, writes or prints of and concerning another~~, with knowledge that a statement is false or with reckless disregard of whether the statement is false or not, publishes or otherwise disseminates any accusation ~~falsely and maliciously importing~~ against a private citizen, not currently holding or running for public office, which falsely and maliciously imports the commission by such person of a felony or any other indictable offense involving moral

turpitude shall~~, on conviction, be punished by fine not exceeding $500.00 and imprisonment in the county jail, or sentenced to hard labor for the county, not exceeding six months, one or both, at the discretion of the jury~~ be guilty of a Class B misdemeanor."

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

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

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

Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 26-APR-16, as amended.

Jeff Woodard
Clerk

Senate 04-MAY-16 Passed