

1 HB415
2 184077-1
3 By Representative Treadaway
4 RFD: Judiciary
5 First Read: 15-MAR-17

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8 SYNOPSIS: Under existing law, certain documents
9 relating to criminal proceedings or legislative
10 action are considered privileged when published.

11 This bill would include as privileged
12 certain information concerning an actual or
13 suspected criminal offense that a law enforcement
14 officer provides to a publisher.

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

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

8
9 A BILL
10 TO BE ENTITLED
11 AN ACT

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13 To amend Section 13A-11-161, Code of Alabama 1975;
14 relating to the publication of certain documents considered
15 privileged; to include certain information relating to a
16 criminal offense conveyed by a law enforcement officer to a
17 publisher; and in connection therewith would have as its
18 purpose or effect the requirement of a new or increased
19 expenditure of local funds within the meaning of Amendment 621
20 of the Constitution of Alabama of 1901, now appearing as
21 Section 111.05 of the Official Recompilation of the
22 Constitution of Alabama of 1901, as amended.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24 Section 1. Section 13A-11-161, Code of Alabama 1975,
25 is amended to read as follows:

26 "§13A-11-161.

1 "(a) The Except as provided in subsection (b), the
2 publication of ~~a~~ any of the following fair and impartial
3 ~~report of the return~~ reports shall be privileged: ~~of~~

4 "(1) The return of any indictment, ~~the~~

5 "(2) The issuance of any warrant, ~~the~~

6 "(3) The arrest of any person for any cause ~~or the.~~

7 "(4) The filing of any affidavit, pleading, ~~or other~~
8 document in any criminal or civil proceeding in any court, ~~or~~
9 of a fair and impartial report of the contents thereof, ~~or of~~
10 any.

11 "(5) A charge of crime made to any judicial officer
12 or body, ~~or of any.~~

13 "(6) A report of any grand jury, ~~or of any.~~

14 "(7) An investigation made by any legislative
15 committee, or other public body or officer, ~~shall be~~
16 privileged, unless it be proved that the same.

17 "(8) Information concerning an actual or suspected
18 criminal offense that a law enforcement officer provides to
19 the publisher.

20 "(b) Subsection (a) does not apply in any of the
21 following circumstances:

22 "(1) The report was published with actual malice, ~~or~~
23 ~~that the.~~

24 "(2) The defendant has refused or neglected to
25 publish in the same manner in which the publication complained
26 of appeared, a reasonable explanation or contradiction thereof
27 by the plaintiff, ~~or that the.~~

1 "(3) The publisher has refused upon the written
2 request of the plaintiff to publish the subsequent
3 determination of such suit, action, or investigation."

4 Section 2. 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 3. 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.