

1 HB94
2 189255-1
3 By Representative Williams (JD)
4 RFD: Judiciary
5 First Read: 09-JAN-18

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8 SYNOPSIS: This bill would prohibit a person, by means
9 of any independently unlawful act, from preventing
10 or attempting to prevent another person from making
11 a public speech on public property because of the
12 content of the speech.

13 Amendment 621 of the Constitution of
14 Alabama of 1901, now appearing as Section 111.05 of
15 the 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.

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 Relating to crimes and offenses; to prohibit a
12 person, by means of an unlawful action from preventing or
13 attempting to prevent another person from certain speech on
14 public property because of the content of the speech; and in
15 connection therewith would have as its purpose or effect the
16 requirement of a new or increased expenditure of local funds
17 within the meaning of Amendment 621 of the Constitution of
18 Alabama of 1901, now appearing as Section 111.05 of the
19 Official Recompilation of the Constitution of Alabama of 1901,
20 as amended.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. (a) It is unlawful for a person, by means
23 of any independently unlawful act, to prevent or attempt to
24 prevent another person from making a public speech on public
25 property because of the content of the speech. As used in this
26 section, the term public speech means a speech at a public

1 outdoor or indoor assembly that is permitted by the
2 jurisdiction and has an attendance of not less than 50 people.

3 (b) A violation of this section is a Class B felony.

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.