

1 HB153  
2 197017-1  
3 By Representatives Robertson, Estes, Stringer, Marques,  
4 Reynolds, Pettus, Rowe, Simpson and Polizos  
5 RFD: Judiciary  
6 First Read: 19-MAR-19

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8 SYNOPSIS: Under existing law, providing a false  
9 statement relating to a matter under investigation  
10 by the Attorney General or a prosecutor or officer  
11 of the Office of Attorney General is a felony.

12 This bill would create the crime of making a  
13 false statement to a law enforcement officer.

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

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9                   A BILL  
10                   TO BE ENTITLED  
11                   AN ACT

12  
13                   Relating to crimes; to create the crime of making a  
14                   false statement to a law enforcement officer; 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) A person commits the crime of making  
23                   a false statement to a law enforcement officer if, during the  
24                   course of a criminal investigation, he or she knowingly does  
25                   any of the following:

26                   (1) Falsifies, conceals, or covers up by any trick,  
27                   scheme, or device a material fact.

1           (2) Makes a a materially false, fictitious, or  
2 fraudulent statement or representation to a law enforcement  
3 officer.

4           (3) Makes or uses a false writing or document  
5 knowing the writing or document contains any materially false,  
6 fictitious, or fraudulent statement or entry.

7           (b) Making a false statement to a law enforcement  
8 officer is a Class C felony.

9           (c) This section does not apply to a person who  
10 provides a false denial of guilt in response to questions  
11 initiated by a law enforcement officer or other agent of the  
12 state, a county, or a municipality.

13           (d) As used in this section, the following terms  
14 have the following meanings:

15           (1) CRIMINAL INVESTIGATION. An investigation into an  
16 alleged misdemeanor or felony by a law enforcement officer.

17           (2) LAW ENFORCEMENT OFFICER. An on-duty state,  
18 county, or municipal law enforcement officer with the power of  
19 arrest.

20           Section 2. Although this bill would have as its  
21 purpose or effect the requirement of a new or increased  
22 expenditure of local funds, the bill is excluded from further  
23 requirements and application under Amendment 621, now  
24 appearing as Section 111.05 of the Official Recompilation of  
25 the Constitution of Alabama of 1901, as amended, because the  
26 bill defines a new crime or amends the definition of an  
27 existing crime.

1                   Section 3. This act shall become effective on the  
2 first day of the third month following its passage and  
3 approval by the Governor, or its otherwise becoming law.