

1 SB320
2 206617-1
3 By Senator Ward
4 RFD: Judiciary
5 First Read: 12-MAR-20

SYNOPSIS: Under existing law, a person who knowingly providing a false statement relating to a matter under investigation by the Attorney General, or a prosecutor or officer of the Office of Attorney General, is guilty of a Class C felony.

This bill would create the crime of making a false statement to a law enforcement officer to prohibit the making of a false statement to a law enforcement officer during the course of a criminal investigation of a Class A or B felony.

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, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the

1 affected entity; or the Legislature appropriates
2 funds, or provides a local source of revenue, to
3 the entity for the purpose.

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

11
12 A BILL
13 TO BE ENTITLED
14 AN ACT
15

16 Relating to crimes; to create the crime of making a
17 false statement to a law enforcement officer; to provide
18 criminal penalties; and in connection therewith would have as
19 its purpose or effect the requirement of a new or increased
20 expenditure of local funds within the meaning of Amendment 621
21 of the Constitution of Alabama of 1901, now appearing as
22 Section 111.05 of the Official ReCompilation of the
23 Constitution of Alabama of 1901, as amended.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. (a) As used in this section, the
26 following terms have the following meanings:

1 (1) CRIMINAL INVESTIGATION. An investigation into an
2 alleged Class A or B felony by a law enforcement officer.

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

6 (b) A person commits the crime of making a false
7 statement to a law enforcement officer if, during the course
8 of a criminal investigation of a Class A or B felony, he or
9 she knowingly does any of the following:

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

12 (2) Makes a materially false, fictitious, or
13 fraudulent statement or representation to a law enforcement
14 officer.

15 (3) Makes or uses a false writing or document
16 knowing the writing or document contains any materially false,
17 fictitious, or fraudulent statement or entry to a law
18 enforcement officer.

19 (c) Making a false statement to a law enforcement
20 officer is a Class C felony.

21 (d) This section does not apply to a person who
22 provides a false denial of guilt in response to questions
23 initiated by a law enforcement officer or other agent of the
24 state, a county, or a municipality.

25 (e) This section only applies to a law enforcement
26 officer conducting a criminal investigation when, prior to
27 interviewing a person or requesting a written statement from

1 that person, the law enforcement officer provides the
2 following warning in substantially the following form:

3 "We are conducting a criminal investigation into a
4 felony and we have some questions to ask you. Any knowingly
5 false statement or writing to a law enforcement officer during
6 this investigation is subject to criminal prosecution."

7 Section 2. Although this bill would have as its
8 purpose or effect the requirement of a new or increased
9 expenditure of local funds, the bill is excluded from further
10 requirements and application under Amendment 621, now
11 appearing as Section 111.05 of the Official Recompilation of
12 the Constitution of Alabama of 1901, as amended, because the
13 bill defines a new crime or amends the definition of an
14 existing crime.

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