

HB82 INTRODUCED



1 HB82
2 RRRGMNM-1
3 By Representatives Shaw, Hulseby
4 RFD: Judiciary
5 First Read: 06-Feb-24
6 PFD: 01-Feb-24



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SYNOPSIS:

Under existing law, falsely reporting or causing the transmission of a false report of a crime, or relating to a crime, to law enforcement authorities is a Class A misdemeanor.

This bill would provide that falsely reporting, or causing the transmission of a false report of a crime is a Class C felony if the false report alleges imminent danger to a person or the public.

This bill would require a person convicted of false reporting, where the false report results in an emergency response or investigation of the commission of false reporting, be ordered to pay restitution for the false report.

This bill would further provide for sentencing for a violation.

Section 111.05 of the Constitution of Alabama of 2022, 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 affected entity; or the Legislature appropriates funds, or provides a local source of revenue, to the entity for



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29 the purpose.

30 The purpose or effect of this bill would be to
31 require a new or increased expenditure of local funds
32 within the meaning of the section. However, the bill
33 does not require approval of a local governmental
34 entity or enactment by a 2/3 vote to become effective
35 because it comes within one of the specified exceptions
36 contained in the section.

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A BILL

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TO BE ENTITLED

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AN ACT

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Relating to crimes and offenses; to amend Section

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13A-10-9, Code of Alabama 1975, to add additional activity

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that would constitute the crime of false reporting; to further

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provide for penalties; to require the payment of restitution

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in certain circumstances; and in connection therewith would

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have as its purpose or effect the requirement of a new or

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increased expenditure of local funds within the meaning of

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Section 111.05 of the Constitution of Alabama of 2022.

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BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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Section 1. Section 13A-10-9, Code of Alabama 1975, is

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amended to read as follows:

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"§13A-10-9

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(a) A person commits the crime of false reporting to

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local, state, or federal law enforcement authorities if he or



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57 she knowingly makes a false report or causes the transmission
58 of a false report to local, state, or federal law enforcement
59 authorities of a crime or relating to a crime.

60 (b) False reporting to local, state, or federal law
61 enforcement authorities is a Class A misdemeanor, unless the
62 false report alleges imminent danger to a person or the
63 public, where the penalty shall be a Class C felony.

64 (c) A person convicted of a violation of this section,
65 where the false report results in an emergency response or
66 investigation of the commission of false reporting, shall be
67 ordered to pay restitution for the expenses incurred by any
68 local, state, or federal law enforcement or assisting
69 governmental agency. Expenses include any reasonable costs
70 directly incurred, including the costs of police,
71 firefighting, and emergency medical services, and the
72 personnel costs of those persons who respond to the incident.

73 (d) The term of imprisonment imposed for a felony
74 violation of this section shall be served day for day and
75 shall not be reduced or suspended by any provision of law."

76 Section 2. Although this bill would have as its purpose
77 or effect the requirement of a new or increased expenditure of
78 local funds, the bill is excluded from further requirements
79 and application under Section 111.05 of the Constitution of
80 Alabama of 2022, because the bill defines a new crime or
81 amends the definition of an existing crime.

82 Section 3. This act shall become effective on October
83 1, 2024.