

**SB57 INTRODUCED**



1 SB57  
2 81RCFH2-1  
3 By Senator Orr  
4 RFD: Judiciary  
5 First Read: 06-Feb-24



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SYNOPSIS:

This bill would prohibit a person from picketing or protesting at or near the residence of any individual with the intent to harass or intimidate and would provide criminal penalties for violations.

This bill would require law enforcement officers to ask a person who is protesting to peacefully leave the premises before placing that person under arrest.

This bill would allow municipalities or counties to adopt ordinances or resolutions to regulate the time and noise level of any picketing or protesting in a residential area.

This bill would create the crime of swatting, to prohibit a person from knowingly making a false report to law enforcement or other emergency services that causes an emergency response from a law enforcement officer or other emergency responder and an individual suffers serious bodily injury or death as a direct result of lawful conduct arising from the report and would provide criminal penalties for violations.

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 without enactment by a 2/3 vote unless: it comes within one of a number



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29 of specified exceptions; it is approved by the affected  
30 entity; or the Legislature appropriates funds, or  
31 provides a local source of revenue, to the entity for  
32 the purpose.

33 The purpose or effect of this bill would be to  
34 require a new or increased expenditure of local funds  
35 within the meaning of the section. However, the bill  
36 does not require approval of a local governmental  
37 entity or enactment by a 2/3 vote to become effective  
38 because it comes within one of the specified exceptions  
39 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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46 Relating to crimes and offenses; to prohibit a person  
47 from picketing or protesting in certain circumstances; to  
48 allow counties and municipalities to adopt ordinances or  
49 regulations regarding time and noise regulations in certain  
50 circumstances; to create the crime of swatting; to provide  
51 that it is unlawful for a person to knowingly make a false  
52 report in certain circumstances; to provide criminal penalties  
53 for violations; and in connection therewith would have as its  
54 purpose of effect the requirement of a new or increased  
55 expenditure of local funds within the meaning of Section  
56 111.05 of the Constitution of Alabama of 2022.



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57 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

58 Section 1. (a) For the purpose of this section, the  
59 following terms have the following meanings:

60 (1) LAW ENFORCEMENT OFFICER. An officer employed by the  
61 state, or a county or municipality who is certified by the  
62 Alabama Peace Officers' Standards and Training Commission and  
63 who has the power to arrest.

64 (2) RESIDENCE. A building or structure, having a  
65 physical address or street number, that provides shelter in  
66 which a person resides.

67 (b) No person shall picket or protest at or near a  
68 residence occupied or used by any individual with the intent  
69 to harass, intimidate, or disturb that individual or other  
70 individuals who reside at that residence.

71 (c) A violation of this section is a Class C  
72 misdemeanor. A second or subsequent violation of this section  
73 is a Class B misdemeanor.

74 (d) Prior to making an arrest for a violation of this  
75 section, a law enforcement officer shall instruct the person  
76 who is picketing or protesting to immediately and peaceably  
77 disperse.

78 (e) This section may be enforced by the Alabama State  
79 Law Enforcement Agency if a local law enforcement agency fails  
80 to enforce this section.

81 (f) (1) Municipalities and counties, by ordinance or  
82 resolution, may adopt regulations to limit the time frame and  
83 noise level of any picketing or protesting in residential  
84 areas.



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85           (2) Violations of ordinances or resolutions adopted  
86 pursuant to this section shall be enforced in the same manner  
87 as violations of this section.

88           Section 2. (a) A person commits the crime of swatting  
89 if all of the following occur:

90           (1) He or she knowingly makes, or causes to be made, a  
91 false report to an emergency service provider, as defined in  
92 Section 11-98-1, Code of Alabama 1975.

93           (2) The report causes an emergency response from an  
94 emergency service provider, as defined in Section 11-98-1,  
95 Code of Alabama 1975.

96           (3) An individual suffered serious bodily injury or  
97 death as a direct result of lawful conduct arising from the  
98 false report.

99           (b) Swatting is a Class B felony.

100           Section 3. Although this bill would have as its purpose  
101 or effect the requirement of a new or increased expenditure of  
102 local funds, the bills is excluded from further requirements  
103 and application under Section 111.05 of the Constitution of  
104 Alabama of 2022, because the bill defines a new crime or  
105 amends the definition of an existing crime.

106           Section 4. This act shall become effective on October  
107 1, 2024.