

1 HB355  
2 208632-1  
3 By Representatives Robertson and Estes  
4 RFD: Judiciary  
5 First Read: 09-FEB-21

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

13 This bill would create the crime of making a  
14 false statement to a law enforcement officer by  
15 prohibiting a person from knowingly making a  
16 materially false statement to a law enforcement  
17 officer during the course of a criminal  
18 investigation of a Class A or B felony, with  
19 exceptions.

20 Amendment 621 of the Constitution of Alabama  
21 of 1901, now appearing as Section 111.05 of the  
22 Official Recompilation of the Constitution of  
23 Alabama of 1901, as amended, prohibits a general  
24 law whose purpose or effect would be to require a  
25 new or increased expenditure of local funds from  
26 becoming effective with regard to a local  
27 governmental entity without enactment by a 2/3 vote

1 unless: it comes within one of a number of  
2 specified exceptions; it is approved by the  
3 affected entity; or the Legislature appropriates  
4 funds, or provides a local source of revenue, to  
5 the entity for the purpose.

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

13  
14 A BILL  
15 TO BE ENTITLED  
16 AN ACT

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

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

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

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

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

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

14                   (2) Makes a materially false, fictitious, or  
15 fraudulent statement or representation to the law enforcement  
16 officer.

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

21                   (c) A violation of this section is a Class C felony.

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

26                   (e) This section only applies to a law enforcement  
27 officer conducting a criminal investigation when, prior to

1 interviewing a person or requesting a written statement from  
2 that person, the law enforcement officer provides the  
3 following warning in substantially the following form:

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

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

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