

1 HB4
2 137930-4
3 By Representative Givan
4 RFD: Judiciary
5 First Read: 07-FEB-12
6 PFD: 09/15/2011

1 ENGROSSED

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4 A BILL
5 TO BE ENTITLED
6 AN ACT
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8 To provide for the crime of failure to report a
9 missing child; to provide for the crime of failure to report
10 the death of a child; to provide for the crime of false
11 reporting to law enforcement authorities in the first degree;
12 to amend Section 13A-10-9, Code of Alabama 1975, to designate
13 the crime of false reporting to law enforcement authorities in
14 the second degree; and in connection therewith would have as
15 its purpose or effect the requirement of a new or increased
16 expenditure of local funds within the meaning of Amendment 621
17 of the Constitution of Alabama of 1901, now appearing as
18 Section 111.05 of the Official Recompilation of the
19 Constitution of Alabama of 1901, as amended.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. This act shall be known and may be cited
22 as "Caylee's Law."

23 Section 2. In this act, the following words shall
24 have the following meanings:

25 (1) CHILD. Any individual less than 18 years of age.

26 (2) CUSTODIAN. A child's parent, legal guardian,
27 legal custodian, or other person charged with the physical

1 custody of a minor child by an order of a court of competent
2 jurisdiction.

3 (3) MISSING CHILD. Any child whose whereabouts are
4 unknown to the child's custodian, the circumstances of whose
5 absence indicate either of the following:

6 a. The child did not voluntarily leave the care and
7 control of the custodian and the taking of the child was not
8 authorized by law.

9 b. The child voluntarily left the care and control
10 of the custodian without the custodian's consent and without
11 the intent to return.

12 Section 3. (a) A ~~parent, guardian, custodian, or~~
13 ~~other adult charged with the care and supervision of a child~~
14 ~~12 years of age or younger~~ custodian of a child is guilty of
15 failure to report a missing child if he or she intentionally,
16 knowingly, or recklessly ~~, or by criminal negligence~~ fails to,
17 within ~~24 hours~~ a reasonable time of learning or having reason
18 to believe the child is missing, report the child as missing
19 to law enforcement and the child suffers death, great bodily
20 harm, permanent disability, or disfigurement while missing.

21 (b) Failure to report a missing child is a Class B
22 felony.

23 Section 4. (a) A ~~parent, guardian, custodian, or~~
24 ~~other adult charged with the care and supervision of a child~~
25 ~~12 years of age or younger~~ custodian of a child commits the
26 crime of failure to report the death of a child if he or she
27 intentionally fails to report the death of the child to a law

1 enforcement agency within four hours of learning of the
2 child's death or location of the child's corpse.

3 A person does not have a duty to report the death of
4 a child if the death is otherwise known to or occurs in the
5 presence of a law enforcement agent or health care provider or
6 is reported to an appropriate official such as a coroner or
7 the funeral for the child is handled by a licensed funeral
8 director.

9 (b) Failure to report the death of a child is a
10 Class C felony.

11 Section 5. (a) A person commits the crime of false
12 reporting to law enforcement authorities in the first degree
13 if he or she, with the intent to mislead the officer or impede
14 the investigation, knowingly and willfully gives false
15 information to a law enforcement officer who is conducting a
16 missing person investigation or a felony criminal
17 investigation involving a ~~child 12 years of age or younger~~
18 missing child.

19 (b) False reporting to law enforcement authorities
20 in the first degree is a Class C felony.

21 Section 6. Section 13A-10-9, Code of Alabama 1975,
22 is amended to read as follows:

23 "§13A-10-9.

24 "(a) A person commits the crime of false reporting
25 to law enforcement authorities in the second degree if he or
26 she knowingly makes a false report or causes the transmission

1 of a false report to law enforcement authorities of a crime or
2 relating to a crime.

3 "(b) False reporting to law enforcement authorities
4 in the second degree is a Class A misdemeanor."

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

13 Section 8. This act shall become effective on the
14 first day of the third month following its passage and
15 approval by the Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Judiciary 07-FEB-12

Read for the second time and placed
on the calendar with 1 substitute
and 1 amendment..... 01-MAR-12

Read for the third time and passed
as amended..... 12-APR-12

Yeas 89, Nays 0, Abstains 0

Greg Pappas
Clerk