

1 HB544
2 195923-1
3 By Representative Drake
4 RFD: Judiciary
5 First Read: 02-MAY-19

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8 SYNOPSIS: This bill would create the crime of making a
9 false sexual allegation and would provide penalties
10 for violations.

11 Amendment 621 of the Constitution of Alabama
12 of 1901, now appearing as Section 111.05 of the
13 Official Recompilation of the Constitution of
14 Alabama of 1901, as amended, prohibits a general
15 law whose purpose or effect would be to require a
16 new or increased expenditure of local funds from
17 becoming effective with regard to a local
18 governmental entity without enactment by a 2/3 vote
19 unless: it comes within one of a number of
20 specified exceptions; it is approved by the
21 affected entity; or the Legislature appropriates
22 funds, or provides a local source of revenue, to
23 the entity for the purpose.

24 The purpose or effect of this bill would be
25 to require a new or increased expenditure of local
26 funds within the meaning of the amendment. However,
27 the bill does not require approval of a local

1 governmental entity or enactment by a 2/3 vote to
2 become effective because it comes within one of the
3 specified exceptions contained in the amendment
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5 A BILL
6 TO BE ENTITLED
7 AN ACT
8

9 Relating to crimes and offenses; to add Sections
10 13A-6-72 to the Code of Alabama 1975, to create the crime of
11 making a false sexual allegation; to provide penalties; and in
12 connection therewith would have as its purpose or effect the
13 requirement of a new or increased expenditure of local funds
14 within the meaning of Amendment 621 of the Constitution of
15 Alabama of 1901, now appearing as Section 111.05 of the
16 Official Recompilation of the Constitution of Alabama of 1901,
17 as amended.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. Section 13A-6-72 is added to the Code of
20 Alabama 1975, to read as follows:

21 §13A-6-72.

22 (a) A person commits the crime of making a false
23 sexual allegation if:

24 (1) He or she willfully, knowingly, and with
25 malicious intent, makes a false report of rape in the first
26 degree, sodomy in the first degree, or sexual torture, and
27 whose allegations are proven to be false.

1 (2) He or she willfully, knowingly, and with
2 malicious intent, makes a false report of rape in the second
3 degree, sodomy in the second degree, sexual misconduct, sexual
4 abuse in the first degree, sexual abuse in the second degree,
5 indecent exposure, enticing child to enter vehicle, house
6 etc., for immoral purposes, sexual abuse of a child under 12,
7 or foster parent engaging in a sex act, etc., with a foster
8 child, and whose allegations are proven to be false.

9 (b) A person making a false sexual allegation may be
10 liable to the person accused for all costs associated with his
11 or her legal defense.

12 (c) Making a false sexual allegation pursuant to
13 subdivision (1) of subsection (a) is a Class C felony.

14 (d) Making a false sexual allegation pursuant to
15 subdivision (2) of subsection (a) is a Class A misdemeanor.

16 Section 2. Although this bill would have as its
17 purpose or effect the requirement of a new or increased
18 expenditure of local funds, the bill is excluded from further
19 requirements and application under Amendment 621, now
20 appearing as Section 111.05 of the Official Recompilation of
21 the Constitution of Alabama of 1901, as amended, because the
22 bill defines a new crime or amends the definition of an
23 existing crime.

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