

1 HB709
2 140907-1
3 By Representatives Ball, Collins, Hammon, Buttram, Harper,
4 Sanderford, Johnson (W), Greer, Williams (D), Brown, Weaver,
5 Roberts, Moore (B), Lee, Wallace, Wood, Bridges, Merrill,
6 Tuggle, Nordgren, Faust, McCutcheon, Williams (P), Baughn,
7 Sessions, Love, Millican, Johnson (K), Todd, Hall, Henry and
8 Burdine
9 RFD: Ethics and Campaign Finance
10 First Read: 19-APR-12

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8 SYNOPSIS: This bill would create criminal penalties
9 for a telephone caller to knowingly insert false
10 information into a caller identification system
11 with the intent to mislead, defraud, or deceive the
12 recipient of a telephone call.

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

26 The purpose or effect of this bill would be
27 to require a new or increased expenditure of local

1 funds within the meaning of the amendment. However,
2 the bill does not require approval of a local
3 governmental entity or enactment by a 2/3 vote to
4 become effective because it comes within one of the
5 specified exceptions contained in the amendment.

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 To create criminal penalties for knowingly inserting
12 false information into a caller identification system with the
13 intent to mislead, defraud, or deceive the recipient of a
14 telephone call; and in connection therewith would have as its
15 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. (a) It shall be unlawful for a caller to
22 knowingly insert false information into a caller
23 identification system with the intent to mislead, defraud, or
24 deceive the recipient of a telephone call.

25 (b) The provisions of this section shall not apply
26 to:

1 (1) Any blocking of caller identification
2 information.

3 (2) Any municipal, state, or federal law enforcement
4 agency pursuant to an active criminal investigation.

5 (3) Any federal intelligence or security agency.

6 (4) Any private investigator licensed by this state
7 or any duly authorized process server that is used in
8 connection with a civil, criminal, administrative, or
9 arbitration proceeding, including the service of process,
10 investigation in anticipation of litigation, the execution or
11 enforcement of judgments, or compliance with the orders of any
12 court.

13 (c) A violation of subsection (a) shall be a Class A
14 misdemeanor.

15 Section 2. This act shall become effective on the
16 first day of the third month following its passage and
17 approval by the Governor, or its otherwise becoming law.