

1 HB99  
2 134458-2  
3 By Representative Wood  
4 RFD: Judiciary  
5 First Read: 07-FEB-12  
6 PFD: 02/02/2012

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ENROLLED, An Act,

Relating to crimes and offenses; to add Section 13A-10-132 to the Code of Alabama 1975, to make it a crime to impersonate a public servant or a peace officer in connection with sham legal process; to make it a crime to falsely assert the authority of state law in connection with sham legal process; to make it a crime to act, without authority, as a judge, magistrate, hearing officer, or any other authority with the authority to adjudicate the rights or interests of another, or to sign a document in this capacity as if it were authorized by state law; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 13A-10-132 is added to the Code of Alabama 1975, to read as follows:

§13A-10-132.

(a) For the purposes of this section, the following terms shall have the following meanings:

(1) LAW ENFORCEMENT OFFICER. The same as defined in Section 13A-10-1.

1           (2) LAWFULLY ISSUED. Adopted, issued, or rendered in  
2 accordance with the applicable statutes, rules, regulations,  
3 and ordinances of the United States, a state, an agency, or a  
4 political subdivision of a state.

5           (3) SHAM LEGAL PROCESS. The issuance, display,  
6 delivery, distribution, reliance on as lawful authority, or  
7 other use of an instrument that is not lawfully issued,  
8 whether or not the instrument is produced for inspection or  
9 actually exists, which purports to be any one of the  
10 following:

11           a. A summons, subpoena, judgment, lien, arrest  
12 warrant, search warrant, or other order of a court of this  
13 state, a peace officer, or a legislative, executive, or  
14 administrative agency established by state law.

15           b. An assertion of jurisdiction or authority over or  
16 determination or adjudication of the legal or equitable  
17 status, rights, duties, powers, or privileges of a person or  
18 property.

19           c. A requirement or authorization for the search,  
20 seizure, indictment, arrest, trial, or sentencing of a person  
21 or property.

22           (4) STATE OR LOCAL OFFICIAL OR EMPLOYEE. An  
23 appointed or elected official or an employee of a state  
24 agency, board, commission, department, in a branch of state

1 government, institution of higher education, or other unit of  
2 government in this state.

3 (b) It shall be unlawful for a person to impersonate  
4 a state or local official or employee or a law enforcement  
5 officer in connection with a sham legal process by acting or  
6 purporting to act in an official capacity or taking advantage  
7 of such actual or purported capacity by either of the  
8 following:

9 (1) Subjecting another person to arrest, detention,  
10 search, seizure, mistreatment, dispossession, assessment,  
11 lien, or other infringement of personal or property rights.

12 (2) Denying or impeding another person in the  
13 exercise or enjoyment of any right, privilege, power, or  
14 immunity.

15 (c) A person violating subsection (b) is guilty of a  
16 Class B misdemeanor.

17 (d) It shall be unlawful for a person falsely to  
18 assert authority of state law in connection with a sham legal  
19 process. A person violating this subsection is guilty of a  
20 Class A misdemeanor.

21 (e) It shall be unlawful for a person to knowingly  
22 act, without authority under state law, as any judge,  
23 magistrate, hearing officer, juror, a clerk of court, a  
24 commissioned notary public, or any other official authorized  
25 to determine a controversy or adjudicate the rights or

1 interests of others, or to sign a document as if authorized by  
2 state law. A person violating this subsection is guilty of a  
3 Class A misdemeanor.

4 (f) It shall be unlawful for a person to falsely  
5 assert authority of law in an attempt to intimidate or hinder  
6 a state or local official or employee or a law enforcement  
7 officer in the discharge of official duties, by means of  
8 threats, harassment, physical abuse, or use of a sham legal  
9 process. A person violating this subsection is guilty of a  
10 Class C felony.

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

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

