

1 SB38
2 140197-2
3 By Senators Dunn, Irons and Keahey
4 RFD: Judiciary
5 First Read: 07-FEB-12
6 PFD: 09/16/2011

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 To provide for the crimes of failure to report a
12 missing child in the first and second degrees; and in
13 connection therewith would have as its purpose or effect the
14 requirement of a new or increased expenditure of local funds
15 within the meaning of Amendment 621 of the Constitution of
16 Alabama of 1901, now appearing as Section 111.05 of the
17 Official Recompilation of the Constitution of Alabama of 1901,
18 as amended.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

22 Section 2. For purposes of this act, the following
23 terms shall have the meanings respectively ascribed to them by
24 this section:

25 (1) ABDUCTION. The removal or retention of a child
26 without the consent of the child's custodian.

1 (2) CHILD. A person who is less than 18 years of
2 age.

3 (3) CUSTODIAN. A child's father or mother, whether
4 biological or adoptive, a child's legally appointed guardian,
5 or the spouse of a child's father, mother, or legally
6 appointed guardian. In the case where only one parent has
7 legal custody, the term means the parent with legal custody or
8 his or her spouse.

9 (4) GUARDIAN. A guardian as defined in Section
10 26-2A-20, Code of Alabama 1975.

11 (5) LOST CHILD. A child who is unable to find his or
12 her way back to his or her custodian.

13 (6) RUNAWAY CHILD. A child who voluntarily absents
14 himself or herself from the control of his or her custodian
15 with intent to remain away indefinitely.

16 Section 3. (a) A child's custodian shall report, or
17 cause a report to be made, to a law enforcement officer or
18 agency that the child is missing when the child's whereabouts
19 are unknown to the custodian and the custodian knows,
20 believes, or has substantial reason to believe any of the
21 following:

22 (1) That the child's whereabouts are unknown to any
23 person under whose temporary supervision the custodian placed
24 the child.

1 (2) That the child is the victim of an abduction or
2 the victim of serious bodily harm, abuse, or sexual
3 exploitation.

4 (3) That the child is a lost or runaway child.

5 (b) The report required under subsection (a) shall
6 be made verbally, either by telephone or direct communication,
7 followed by a written report as requested by a law enforcement
8 official.

9 Section 4. (a) A child's custodian who is subject to
10 the duty imposed by Section 3 is guilty of failure to report a
11 missing child in the second degree if he or she fails or
12 delays to make, or fails to cause to be made, the required
13 report with willful or reckless disregard for the safety of
14 the child.

15 (b) Failure to report a missing child in the second
16 degree is a Class A misdemeanor.

17 Section 5. (a) A child's custodian who is subject to
18 the duty imposed by Section 3 is guilty of failure to report a
19 missing child in the first degree if he or she fails or delays
20 to make, or fails to cause to be made, the required report
21 with willful or reckless disregard for the safety of the child
22 and the child suffers serious bodily harm or death.

23 (b) Failure to report a missing child in the first
24 degree is a Class C felony.

25 Section 6. It is a defense to prosecution under this
26 act that the custodian made reasonably diligent efforts to

1 verify the whereabouts and safety of the child during the
2 period of any delay in making the report required by Section
3 3.

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

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

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Senate

Read for the first time and referred to the Senate
committee on Judiciary..... 07-FEB-12

Read for the second time and placed on the calen-
dar with 1 substitute and..... 22-MAR-12

Read for the third time and passed as amended 17-APR-12

Yeas 35
Nays 0

Patrick Harris
Secretary