HB94

189255-1

By Representative Williams (JD)

RFD: Judiciary

First Read: 09-JAN-18
SYNOPSIS: This bill would prohibit a person, by means of any independently unlawful act, from preventing or attempting to prevent another person from making a public speech on public property because of the content of the speech.

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, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the affected entity; or the Legislature appropriates funds, or provides a local source of revenue, to the entity for the purpose.

The purpose or effect of this bill would be to require a new or increased expenditure of local
funds within the meaning of the amendment. However, the bill does not require approval of a local governmental entity or enactment by a 2/3 vote to become effective because it comes within one of the specified exceptions contained in the amendment.

A BILL TO BE ENTITLED AN ACT

Relating to crimes and offenses; to prohibit a person, by means of an unlawful action from preventing or attempting to prevent another person from certain speech on public property because of the content of the speech; 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. (a) It is unlawful for a person, by means of any independently unlawful act, to prevent or attempt to prevent another person from making a public speech on public property because of the content of the speech. As used in this section, the term public speech means a speech at a public
outdoor or indoor assembly that is permitted by the
jurisdiction and has an attendance of not less than 50 people.

(b) A violation of this section is a Class B felony.

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

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