HB544
195923-1
By Representative Drake
RFD: Judiciary
First Read: 02-MAY-19
SYNOPSIS: This bill would create the crime of making a false sexual allegation and would provide penalties for violations.

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 add Sections
13A-6-72 to the Code of Alabama 1975, to create the crime of
making a false sexual allegation; to provide penalties; 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-6-72 is added to the Code of
Alabama 1975, to read as follows:

§13A-6-72.

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

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

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

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

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

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.