

1 HB161
2 180536-2
3 By Representatives McMillan, Scott, Davis, Ellis, Shiver
4 and Polizos
5 RFD: Public Safety and Homeland Security
6 First Read: 09-FEB-17

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8 SYNOPSIS: This bill would prohibit a person from
9 owning or operating or installing, creating,
10 building, or fabricating a motor vehicle, aircraft,
11 or vessel with a false or secret compartment used
12 to unlawfully conceal contraband or controlled
13 substances and would provide criminal penalties for
14 violations.

15 This bill would also provide for the
16 forfeiture of the motor vehicle, aircraft, or
17 vessel and any contents in the false or secret
18 compartment.

19 Amendment 621 of the Constitution of Alabama
20 of 1901, now appearing as Section 111.05 of the
21 Official Recompilation of the Constitution of
22 Alabama of 1901, as amended, prohibits a general
23 law whose purpose or effect would be to require a
24 new or increased expenditure of local funds from
25 becoming effective with regard to a local
26 governmental entity without enactment by a 2/3 vote
27 unless: it comes within one of a number of

1 specified exceptions; it is approved by the
2 affected entity; or the Legislature appropriates
3 funds, or provides a local source of revenue, to
4 the entity for the purpose.

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

12
13 A BILL
14 TO BE ENTITLED
15 AN ACT
16

17 To prohibit a person from owning or operating or
18 installing, creating, building, or fabricating a motor
19 vehicle, aircraft, or vessel with a false or secret
20 compartment used to unlawfully conceal contraband or
21 controlled substances; to provide criminal penalties for
22 violations; to provide for the forfeiture of the motor
23 vehicle, aircraft, or vessel and any contents in the false or
24 secret compartment; and in connection therewith would have as
25 its purpose or effect the requirement of a new or increased
26 expenditure of local funds within the meaning of Amendment 621
27 of the Constitution of Alabama of 1901, now appearing as

1 Section 111.05 of the Official Recompilation of the
2 Constitution of Alabama of 1901, as amended.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. (a) For the purposes of this section, the
5 following terms shall have the following meanings:

6 (1) AIRCRAFT. Any contrivance now known, or
7 hereafter invented, used, or designed for navigation of or
8 flight through the air and used privately or commercially.

9 (2) FALSE OR SECRET COMPARTMENT. An enclosure
10 integrated into a motor vehicle, aircraft, or vessel, that is
11 a modification of the motor vehicle, aircraft, or vessel, as
12 originally manufactured used to conceal or hide an illegal
13 object or objects.

14 (3) MOTOR VEHICLE. A self-propelled vehicle intended
15 primarily for use and operation on public roads and highways.

16 (4) VESSEL. Every description of watercraft capable
17 of being used as a means of transportation on the water.

18 (b) (1) A person may not knowingly or intentionally
19 own or operate a motor vehicle, aircraft, or vessel containing
20 a false or secret compartment that is used or has been used to
21 conceal a controlled substance prohibited by Chapter 2, Title
22 20, Code of Alabama 1975, an object that is illegal to possess,
23 or other contraband.

24 (2) A person may not install, create, build, or
25 fabricate a false or secret compartment in a motor vehicle,
26 aircraft, or vessel that he or she or another person intends
27 to use to conceal a controlled substance prohibited by Chapter

1 2, Title 20, Code of Alabama 1975, an object that is illegal
2 to possess, or other contraband.

3 (c) For the purposes of this section, a new owner of
4 a motor vehicle, aircraft, or vessel is not criminally liable
5 for any conduct in violation of subsection (b) which occurred
6 prior to the transfer of title of the vehicle, aircraft, or
7 vessel, provided he or she had no knowledge of the conduct and
8 takes steps to change the motor vehicle, aircraft, or vessel
9 back to its original design when made aware of the
10 modification in violation of this section.

11 (d) A violation of subsection (b) is a Class D
12 felony.

13 (e) A motor vehicle, aircraft, or vessel containing
14 a false or secret compartment used in violation of this
15 section, as well as any items in the compartment, are subject
16 to seizure by a state or local law enforcement officer with
17 jurisdiction over the property. The procedures for forfeiture
18 and the disposition of the property and any proceeds shall be
19 subject to Article 4, Chapter 5, Title 15, Code of Alabama
20 1975.

21 Section 2. Although this bill would have as its
22 purpose or effect the requirement of a new or increased
23 expenditure of local funds, the bill is excluded from further
24 requirements and application under Amendment 621, now
25 appearing as Section 111.05 of the Official Recompilation of
26 the Constitution of Alabama of 1901, as amended, because the

1 bill defines a new crime or amends the definition of an
2 existing crime.

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