

HB24 ENGROSSED



1 FK64D5-2
2 By Representative Ingram
3 RFD: County and Municipal Government
4 First Read: 07-Mar-23
5 PFD: 08-Feb-23



HB24 Engrossed

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A BILL
TO BE ENTITLED
AN ACT

Relating to crimes and offenses; to amend Sections 13A-11-9 and 32-5A-216, Code of Alabama 1975, to prohibit an individual from loitering on a public roadway maintained by the state; or in the right-of-way of a public roadway maintained by the state; to provide criminal penalties for violations; 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 Section 111.05 of the Constitution of Alabama 2022.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 13A-11-9 and 32-5A-216, Code of Alabama 1975, are amended to read as follows:

"§13A-11-9

(a) A person commits the crime of loitering if he or she does any of the following:

(1) Loiters, remains, or wanders about in a public place for the purpose of begging.

(2) Loiters or remains in a public place for the purpose of gambling.



HB24 Engrossed

29 (3) Loiters or remains in a public place for the
30 purpose of engaging or soliciting another person to engage in
31 prostitution or sodomy.

32 (4) Being masked, loiters, remains, or congregates in a
33 public place.

34 (5) Loiters or remains in or about a school, college,
35 or university building or grounds after having been told to
36 leave by any authorized official of the school, college, or
37 university, not having any reason or relationship involving
38 custody of or responsibility for a pupil or any other
39 specific, legitimate reason for being there, and not having
40 written permission from a school, college, or university
41 administrator.

42 (6) Loiters or remains in any transportation facility,
43 unless specifically authorized to do so, for the purpose of
44 soliciting or engaging in any business, trade, or commercial
45 transactions involving the sale of merchandise or services.

46 (7) Loiters or remains in any place with one or more
47 persons for the purpose of unlawfully using or possessing a
48 dangerous drug.

49 (8) Loiters, or remains, on a public roadway maintained
50 by the state or the right-of-way of a public roadway
51 maintained by the state.

52 (b) A person does not commit a crime under subdivision
53 (a) (4) if he or she is going to or from or staying at a
54 masquerade party, or is participating in a public parade or
55 presentation of an educational, religious, or historical
56 character or in an event as defined in Section 13A-11-140.



HB24 Engrossed

57 (c) Sodomy in subdivision (a)(3) is defined as in
58 Section 13A-6-60.

59 (d) Dangerous drug in subdivision (a)(7) means any
60 narcotic, drug, or controlled substance as defined in Chapter
61 2 of Title 20 and any schedule incorporated therein.

62 (e) Loitering is a violation. A second or subsequent
63 violation of this section in the same jurisdiction is a Class
64 C misdemeanor.

65 (f)(1) Prior to making an arrest for a violation of
66 subdivision (a)(1), a law enforcement officer may instruct any
67 person in violation of subdivision (a)(1) to immediately and
68 peaceably exit the public roadway maintained by the state or
69 the right-of-way of the public roadway maintained by the
70 state.

71 (2)a. Prior to making an arrest for an initial
72 violation of subdivision (a)(1), a law enforcement officer may
73 offer to transport any person in violation of subdivision
74 (a)(1) to a location in the jurisdiction that offers emergency
75 housing, if applicable.

76 b. If a person accepts an offer made pursuant to
77 subdivision (1), a law enforcement officer may transport the
78 person accordingly.

79 (g) Any actions undertaken by a law enforcement officer
80 pursuant to this section shall be subject to Section 36-1-12."

81 "§32-5A-216

82 (a) No person shall stand in a roadway for the purpose
83 of soliciting a ride.

84 (b) No person shall stand on a highway for the purpose



HB24 Engrossed

85 of soliciting employment, business, or contributions from the
86 occupant of any vehicle, nor for the purpose of distributing
87 any article, unless otherwise authorized by official permit of
88 the governing body of the city or county having jurisdiction
89 over the highway.

90 (c) No person shall stand on or in proximity to a
91 street or highway for the purpose of soliciting the watching
92 or guarding of any vehicle while parked or about to be parked
93 on a street or highway.

94 (d) No person shall fish from a bridge, viaduct, or
95 trestle, or the approaches thereto, within the State of
96 Alabama, unless otherwise authorized by the governing body of
97 the city or county having jurisdiction over the highway or
98 from the State of Alabama in the case of state highways. The
99 authorizing authority shall erect and maintain appropriate
100 signs giving notice that fishing is allowed."

101 Section 2. Although this bill would have as its purpose
102 or effect the requirement of a new or increased expenditure of
103 local funds, the bill is excluded from further requirements
104 and application under Section 111.05 of the Constitution of
105 Alabama of 2022, because the bill defines a new crime or
106 amends the definition of an existing crime.

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



HB24 Engrossed

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House of Representatives

113 Read for the first time and referred08-Feb-23
114 to the House of Representatives
115 committee on County and Municipal
116 Government
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118 Read for the second time and placed05-Apr-23
119 on the calendar:
120 0 amendments
121
122 Read for the third time and passed20-Apr-23
123 as amended
124 Yeas 90
125 Nays 0
126 Abstains 12

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John Treadwell
Clerk