

1 HB422  
2 204715-1  
3 By Representatives Coleman and Collins  
4 RFD: Judiciary  
5 First Read: 10-MAR-20

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8 SYNOPSIS: Under existing law, a person is guilty of  
9 human trafficking if the person, among other  
10 things, benefits financially from subjecting  
11 another person to sexual servitude. Sexual  
12 servitude is defined to require coercion or  
13 deception from the perpetrator of the crime.

14 Also under existing law, coercion or  
15 deception is not required if the victim is a minor.

16 This bill would provide that coercion or  
17 deception is not required if the victim is  
18 physically or mentally incapable of consent.

19 Under existing law, human trafficking of a  
20 minor is a Class A felony.

21 This bill would provide a minimum period of  
22 incarceration for a person convicted of human  
23 trafficking of a minor.

24 Under existing law, the Attorney General is  
25 allowed to bring a civil action against a legal  
26 entity accused of human trafficking to obtain a

1           restraining order and recover damages on behalf of  
2           the victims.

3           This bill would allow a court to appoint a  
4           master or receiver to seize the assets of that  
5           legal entity pending outcome of the case under  
6           certain specified conditions.

7           Under existing law, the penalty for a first  
8           violation of failing to post human trafficking  
9           hotline information in certain establishments is a  
10          warning and the penalty for a subsequent violation  
11          is \$25.

12          This bill would increase the penalty for a  
13          subsequent violation to \$250 and would establish  
14          which agencies would be responsible for enforcement  
15          of the human trafficking hotline information  
16          requirements.

17          Under existing law, a person who pays or  
18          agrees to pay another to engage in sexual conduct  
19          with a person is guilty of a Class A misdemeanor.

20          This bill would provide a minimum period of  
21          incarceration for a second or subsequent  
22          conviction.

23          Under existing law, a person who petitions  
24          for expungement may receive a hearing on the  
25          matter, but the matter may be dismissed without a  
26          hearing.

1                   This bill would provide that when an  
2 expungement petition is filed by a victim of human  
3 trafficking, the court is required to set a hearing  
4 on an expungement petition and grant the petition  
5 if the court is reasonably satisfied from the  
6 evidence that the petitioner has complied with and  
7 satisfied the expungement petition requirements.

8                   This bill would provide whistleblower  
9 protection from retaliation against an employee  
10 that reports human trafficking regarding the  
11 employee's employer.

12                   This bill would authorize a municipality to  
13 adopt an ordinance directing law enforcement  
14 officers to impound motor vehicles used in the  
15 commission of human trafficking or prostitution and  
16 would provide a procedure for the release of those  
17 vehicles.

18                   This bill would also make nonsubstantive,  
19 technical revisions to update the existing code  
20 language to current style.

21                   Amendment 621 of the Constitution of Alabama  
22 of 1901, now appearing as Section 111.05 of the  
23 Official Recompilation of the Constitution of  
24 Alabama of 1901, as amended, prohibits a general  
25 law whose purpose or effect would be to require a  
26 new or increased expenditure of local funds from  
27 becoming effective with regard to a local

1 governmental entity without enactment by a 2/3 vote  
2 unless: it comes within one of a number of  
3 specified exceptions; it is approved by the  
4 affected entity; or the Legislature appropriates  
5 funds, or provides a local source of revenue, to  
6 the entity for the purpose.

7 The purpose or effect of this bill would be  
8 to require a new or increased expenditure of local  
9 funds within the meaning of the amendment.

10 However, the bill does not require approval of a  
11 local governmental entity or enactment by a 2/3  
12 vote to become effective because it comes within  
13 one of the specified exceptions contained in the  
14 amendment.

15  
16 A BILL  
17 TO BE ENTITLED  
18 AN ACT

19  
20 Relating to human trafficking; to amend Sections  
21 13A-6-151, 13A-6-152, 13A-6-157.1, 13A-6-170, 13A-12-122, and  
22 15-27-5, Code of Alabama 1975, to provide further for the  
23 crime of human trafficking; to provide a minimum period of  
24 incarceration for a person convicted of human trafficking a  
25 minor; to provide for the appointment of a master or receiver  
26 under certain situations; to provide further for the criminal  
27 penalty for failing to post the human trafficking hotline

1 information in certain establishments and provide for the  
2 enforcement of the requirements; to provide further for the  
3 criminal penalty for patronizing a prostitute; to provide  
4 further for the expungement procedure for human trafficking  
5 victims; to provide whistleblower protection for certain  
6 employees regarding reports of human trafficking; to authorize  
7 the adoption of a municipal ordinance to impound vehicles used  
8 in the commission of human trafficking or prostitution and  
9 provide a procedure for the release of those vehicles; to make  
10 nonsubstantive, technical revisions to update the existing  
11 code language to current style; and in connection therewith  
12 would have as its purpose or effect the requirement of a new  
13 or increased expenditure of local funds within the meaning of  
14 Amendment 621 of the Constitution of Alabama of 1901, now  
15 appearing as Section 111.05 of the Official Recompilation of  
16 the Constitution of Alabama of 1901, as amended.

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

18 Section 1. Sections 13A-6-151, 13A-6-152,  
19 13A-6-157.1, 13A-6-170, 13A-12-122, and 15-27-5, Code of  
20 Alabama 1975, are amended to read as follows:

21 "§13A-6-151.

22 "As used in this article, the following terms shall  
23 have the following, or any combination of the following,  
24 meanings ascribed to them by this section:

25 "(1) COERCION. Any of the following:

26 "a. Causing or threatening to cause physical injury  
27 or mental suffering to any person, physically restraining or

1       confining any person, or threatening to physically restrain or  
2       confine any person or otherwise causing the person performing  
3       or providing labor or services to believe that the person or  
4       another person will suffer physical injury or mental  
5       suffering.

6                **"b.** Implementing any scheme, plan, or pattern  
7       intended to cause a person to believe that failure to perform  
8       an act would result in physical injury, mental suffering, or  
9       physical restraint of any person.

10              **"c.** Destroying, concealing, removing, confiscating,  
11       or withholding from the person or another person, or  
12       threatening to destroy, conceal, remove, confiscate, or  
13       withhold from the person or another person, the person's or  
14       any person's actual or purported government records,  
15       immigration documents, identifying information, or personal or  
16       real property.

17              **"d.** Exposing or threatening to expose any fact or  
18       information that if revealed would tend to subject a person to  
19       criminal prosecution, criminal or immigration proceedings,  
20       hatred, contempt, or ridicule.

21              **"e.** Threatening to report the person or another  
22       person to immigration officials or to other law enforcement  
23       officials or otherwise blackmailing or extorting the person or  
24       another person.

25              **"f.** Controlling a person's access to a controlled  
26       substance, as the term is defined in Section 20-2-2.

1 "g. Rape or sodomy or threatened rape or sodomy of  
2 any person, as defined in this title.

3 "(2) DECEPTION. Any of the following:

4 "a. Creating or confirming an impression of any  
5 existing fact or past event which is false and which the  
6 accused knows or believes to be false.

7 "b. Exerting financial control over the person or  
8 another person by placing the person or another person under  
9 the actor's control as a security or payment of a debt, if the  
10 value of the services as reasonably assessed is not applied  
11 toward the liquidation of the debt or the length and nature of  
12 those services are not respectively limited and defined or the  
13 principal amount of the debt does not reasonably reflect the  
14 value of the items or services for which debt was incurred or  
15 by preventing a person from acquiring information pertinent to  
16 the disposition of the debt, referenced in this paragraph.

17 "c. Promising benefits or the performance of  
18 services which the accused does not intend to be delivered.  
19 Evidence of failure to deliver benefits or perform services  
20 standing alone shall not be sufficient to authorize a  
21 conviction under this article.

22 "d. Using any scheme, plan, or pattern, whether  
23 overt or subtle, intended to cause any person to believe that,  
24 if the person did not perform such labor, services, acts, or  
25 performances, the person or another person would suffer  
26 physical injury or mental suffering.



1           "(3) LABOR SERVITUDE. Work or service of economic or  
2 financial value which is performed or provided by another  
3 person and is induced or obtained by coercion or deception.

4           "(4) MENTAL SUFFERING. A high degree of mental pain  
5 or emotional disturbances, such as distress, anxiety, public  
6 humiliation, or psychosomatic physical symptoms. It is more  
7 than mere disappointment, anger, resentment, wounded pride, or  
8 embarrassment and must be a direct result of the crime of  
9 human trafficking.

10           "(5) MINOR. A person under the age of 19.

11           "(6) PHYSICAL INJURY. Impairment of physical  
12 condition or substantial pain.

13           "(7) SEXUAL CONDUCT. Any of the following acts:

14           "a. Sexual Intercourse. This term shall have its  
15 ordinary meaning and occurs upon a penetration, however  
16 slight; emission is not required.

17           "b. Sexual Contact. Any known touching for the  
18 purpose of sexual arousal, gratification, or abuse of the  
19 following:

20           "1. The sexual or other intimate parts of the victim  
21 by the actor.

22           "2. The sexual or other intimate part of the actor  
23 by the victim.

24           "3. The clothing covering the immediate area of the  
25 sexual or other intimate parts of the victim or actor.

26           "c. Sexually Explicit Performances. An act or show  
27 intended to arouse, satisfy the sexual desires of, or appeal

1 to the prurient interests of patrons or viewers, whether  
2 public or private, live, photographed, recorded, videotaped,  
3 or projected over the Internet.

4 "d. Commercial Sex Acts. Any sex act on account of  
5 which anything of value is given, promised to, or received,  
6 directly or indirectly, by any person.

7 "(8) SEXUAL SERVITUDE.

8 "a. Except as provided in paragraph b., any Any  
9 sexual conduct, including sexual conduct as defined in  
10 ~~subdivision (3) of Section 14-11-30~~, for which anything of  
11 value is directly or indirectly given, promised to, or  
12 received by any person, which conduct is induced or obtained  
13 by coercion or deception from a person; ~~provided, however,~~  
14 ~~that if~~ .

15 "b. If the sexual conduct is with a minor or with  
16 any person who is incapable of consent by reason of being  
17 physically helpless or mentally incapacitated, no coercion or  
18 deception is required.

19 "(9) TRAFFICKING VICTIM. Any person, including  
20 minors, subjected to labor servitude, sexual servitude, or  
21 involuntary servitude.

22 "§13A-6-152.

23 "(a) A person commits the crime of human trafficking  
24 in the first degree if:

25 "(1) He or she knowingly subjects another person to  
26 labor servitude or sexual servitude.

1           "(2) He or she knowingly obtains, recruits, entices,  
2           solicits, induces, threatens, isolates, harbors, holds,  
3           restrains, transports, provides, or maintains any minor for  
4           the purpose of causing a minor to engage in sexual servitude.

5           "(3) He or she knowingly gives monetary  
6           consideration or any other thing of value to engage in any  
7           sexual conduct with a minor or an individual he or she  
8           believes to be a minor.

9           "(b) For purposes of this section, it is not  
10          required that the defendant have knowledge of a minor victim's  
11          age, nor is reasonable mistake of age a defense to liability  
12          under this section.

13          "(c) A corporation, or any other legal entity other  
14          than an individual, may be prosecuted for human trafficking in  
15          the first degree for an act or omission only if an agent of  
16          the corporation or entity performs the conduct which is an  
17          element of the crime while acting within the scope of his or  
18          her office or employment and on behalf of the corporation or  
19          entity, and the commission of the crime was either authorized,  
20          requested, commanded, performed, or within the scope of the  
21          person's employment on behalf of the corporation or entity or  
22          constituted a pattern of conduct that an agent of the  
23          corporation or entity knew or should have known was occurring.

24          "(d) Any person who obstructs, or attempts to  
25          obstruct, or in any way interferes with or prevents the  
26          enforcement of this section shall be guilty of a Class A  
27          felony.

1           "(e) (1) Except as provided in subdivision (2), human  
2 ~~Human~~ trafficking in the first degree is a Class A felony.

3           "(2) When a conviction under this section involves a  
4 minor, the person shall be punished by a term of imprisonment  
5 for any term of years not less than 15 years and a day or for  
6 life.

7           "§13A-6-157.1.

8           "(a) In addition to any other remedy under this  
9 article, if the Attorney General has reason to believe that  
10 any person, corporation, or any other legal entity is engaging  
11 in, has engaged in, or is about to engage in any act or  
12 practice declared to be unlawful by this article, the Attorney  
13 General may bring an action in the name of the state in the  
14 appropriate state court against the person, corporation, or  
15 entity to restrain by temporary restraining order, or  
16 temporary or permanent injunction, the acts or practices.

17           "(b) In addition to any other remedy under this  
18 article, the Attorney General may bring a civil action on  
19 behalf of the state in the appropriate state court to recover  
20 actual damages for victims of acts or practices performed in  
21 violation of this article.

22           "(c) The court may appoint a master or receiver or  
23 order sequestration of assets and assess the expenses of the  
24 master or receiver against the defendant if the court has  
25 reason to believe any of the following:

26           "(1) The defendant has, will, or is likely to remove  
27 or conceal victims.

1           "(2) The defendant has or is likely to threatened or  
2 is about to remove, conceal, or otherwise dispose of property  
3 to the damage of persons to whom restoration would be made.

4           "(3) A person who has been ordered to pay damages  
5 under this section has failed to do so within three months  
6 after the order to make restitution has become final and  
7 non-appealable.

8           ~~"(c)~~ (d) Venue for any action brought under this  
9 section is in the county in which the offense was committed or  
10 in any other county into or through which the person upon whom  
11 it was committed may have been carried in the commission of  
12 the offense. If venue is proper in more than one county, venue  
13 shall be in either county.

14           "§13A-6-170.

15           "(a) (1) Except as provided in subdivision (2), this  
16 section applies to all of the following persons or  
17 establishments:

18           "a. All persons ~~owning~~ operating any establishment,  
19 business, or place that requires ~~a liquor license or a retail~~  
20 alcoholic beverage license, and that does not also have a food  
21 or beverage permit, or both.

22           "b. All persons operating any hotel that has been  
23 cited as a nuisance as defined in ~~Sections 13A-12-110 to~~  
24 ~~13A-12-122, inclusive,~~ Section 6-5-140.

25           "c. All persons operating any massage ~~parlor~~ therapy  
26 establishment where an employee has been cited with violating

1 ~~Section 45-13-41, or where the establishment that~~ has been  
2 cited as a nuisance as defined in Section 6-5-140~~7~~.

3 "d. All persons operating any airport, train  
4 station, rest area, rest stop, or bus station; and.

5 "e. All persons operating any gas station.

6 ~~"e. f.~~ f. All persons operating any business that  
7 provides entertainment commonly called stripteasing or topless  
8 entertaining or entertainment that has employees who are not  
9 clad both above and below the waist.

10 "(2) This subsection does not apply to businesses  
11 providing entertainment in theaters, concert halls, art  
12 centers, museums, or similar establishments that are devoted  
13 primarily to the arts or theatrical performances, when the  
14 performances that are presented are expressing matters of  
15 serious literary, artistic, scientific, or political value.

16 "(b) Any person subject to this section shall post  
17 in a location conspicuous to the public at the entrance of the  
18 business or where ~~such~~ posters and notices are customarily  
19 posted, a poster of no smaller than 8 1/2 by 11 inches in size  
20 that substantially states all of the following:

21 "(1) If you or someone you know is being forced to  
22 engage in any activity and cannot leave - whether it is  
23 commercial sex, housework, farm work, or any other activity -  
24 call the National Human Trafficking Resource Center Hotline at  
25 1-888-373-7888 to access help and services.

26 ~~"(1)~~ (2) Victims of human trafficking are protected  
27 under U.S. law.

1           "~~(2)~~ (3) The Toll-free Hotline is:

2           ""a. Available 24 hours a day, 7 days a week.

3           ""b. Operated by a nonprofit, nongovernmental  
4 organization.

5           ""c. Anonymous and confidential.

6           ""d. Accessible in 170 languages.

7           ""e. Able to provide help, referral to services,  
8 training, and general information."

9           "~~This subsection shall not apply to businesses~~  
10 ~~providing entertainment in theaters, concert halls, art~~  
11 ~~centers, museums, or similar establishments that are devoted~~  
12 ~~primarily to the arts or theatrical performances, when the~~  
13 ~~performances that are presented are expressing matters of~~  
14 ~~serious literary, artistic, scientific, or political value.~~

15           "~~(b)~~ (c) The poster shall be available on the  
16 Internet website of all of the following:

17           "(1) The Alabama Alcoholic Beverage Control Board  
18 where documents associated with obtaining a liquor license or  
19 alcoholic beverage license are customarily located.

20           "(2) The Alabama Public Service Commission.

21           "(3) The ~~Alabama Department~~ Secretary of Labor.

22           "(4) The regulatory board or licensing entity of any  
23 other person or establishment subject to subdivision (1) of  
24 subsection (a).

25           "~~(c)~~ (d) The ~~owners~~ operators shall print the poster  
26 from any of the Internet websites in subsection ~~(b)~~ (c) or ask  
27 that the poster be mailed for the cost of printing and first

1 class postage and post the sign in compliance with subsection  
2 ~~(a)~~ (b).

3 ~~"(d)~~ (e) The regulatory board or licensing entity of  
4 any person or establishment subject to subdivision (1) of  
5 subsection (a), including, but not limited to, the Alcoholic  
6 Beverage Control Board, the Public Service Commission, and the  
7 Department Secretary of Labor, the Department of  
8 Transportation, and the Massage Therapy Board, shall post the  
9 sign on its Internet site in English, Spanish, and any other  
10 language deemed appropriate by the Commissioner of Labor. The  
11 ~~owners~~ operators shall obtain and post the posters in English,  
12 Spanish, and any other languages deemed appropriate by the  
13 Commissioner of Labor.

14 ~~"(e)~~ (f) The regulatory board or licensing entity of  
15 any person or establishment subject to subdivision (1) of  
16 subsection (a), including, but not limited to, the Alcoholic  
17 Beverage Control Board, the Public Service Commission, and the  
18 Department Secretary of Labor, the Department of  
19 Transportation, and the Massage Therapy Board, shall provide  
20 each applicable business or establishment with notice of  
21 mandatory compliance of this section.

22 "(g) The regulatory board or licensing entity of any  
23 person or establishment subject to subdivision (1) of  
24 subsection (a), including, but not limited to, the Secretary  
25 of Labor, the Alcoholic Beverage Control Board, the Public  
26 Service Commission, the Department of Transportation, and the  
27 Massage Therapy Board, shall adopt rules to ensure licensees



1 of the Alcoholic Beverage Control Board, and operators of  
2 massage therapy establishments, airports, train stations, rest  
3 areas, rest stops, bus stations, hotels, gas stations, and  
4 businesses that provide entertainment as referenced in  
5 paragraph (a)(1)e., comply with this section and to further  
6 provide for enforcement of this section.

7 "(h) Upon a finding that a person or establishment  
8 subject to subdivision (1) of subsection (a) violated this  
9 section, the regulatory board or licensing entity of the  
10 person or establishment may do either or both of the  
11 following:

12 "(1) File a complaint with the appropriate law  
13 enforcement agency or refer the violation to the Office of the  
14 Attorney General or the appropriate prosecuting authority.

15 "(2) Suspend the license or operating privilege of  
16 the person or establishment until the person or establishment  
17 is in full compliance with this section.

18 ~~"(f) (i) (1) A person who violates this section shall~~  
19 ~~be subject to a warning on the first violation and a fine not~~  
20 ~~to exceed fifty dollars (\$50) of two hundred fifty dollars~~  
21 ~~(\$250) for each subsequent violation. The violation or~~  
22 ~~noncompliance with this section, and each day's continuance~~  
23 ~~thereof, shall constitute a separate and distinct violation.~~

24 "(2) Funds collected under this section shall be  
25 deposited in the State Treasury to the credit of the Attorney  
26 General's Special Revenue Account to be used for education and  
27 other programs relating to human trafficking.

1           "§13A-12-122.

2           "(a) (1) Each Except as provided in subdivision (2),  
3 each violation of Section 13A-12-121 is a Class A misdemeanor.

4           "(2) A person who is convicted under Section  
5 13A-12-121 for giving, or agreeing to give, monetary  
6 consideration or other thing of marketable value to another in  
7 furtherance of an agreement to engage in sexual intercourse,  
8 sodomy, or sexual contact with a person, on conviction, shall  
9 be punished as follows:

10           "a. On a first conviction, the person shall be  
11 guilty of a Class A misdemeanor.

12           "b. On a second or subsequent conviction, the person  
13 shall be guilty of a Class A misdemeanor and serve a minimum  
14 period of confinement of not less than 30 days.

15           "(b) A violation of Section 13A-12-121.1 is a Class  
16 B felony.

17           "§15-27-5.

18           "(a) If the prosecuting authority or victim files an  
19 objection to the granting of a petition under this chapter,  
20 the court having jurisdiction over the matter shall set a date  
21 for a hearing no sooner than 14 days from the filing of the  
22 objection. The court shall notify the prosecuting authority  
23 and the petitioner of the hearing date. In the discretion of  
24 the court, the court shall consider the following factors:

25           "(1) Nature and seriousness of the offense  
26 committed.

27           "(2) Circumstances under which the offense occurred.

1           "(3) Date of the offense.

2           "(4) Age of the person when the offense was  
3 committed.

4           "(5) Whether the offense was an isolated or repeated  
5 incident.

6           "(6) Other conditions which may have contributed to  
7 the offense.

8           "(7) An available probation or parole record,  
9 report, or recommendation.

10           "(8) Whether the offense was dismissed or nolle  
11 prossed as part of a negotiated plea agreement and the  
12 petitioner plead guilty to another related or lesser offense.

13           "(9) Evidence of rehabilitation, including good  
14 conduct in prison or jail, in the community, counseling or  
15 psychiatric treatment received, acquisition of additional  
16 academic or vocational schooling, successful business or  
17 employment history, and the recommendation of his or her  
18 supervisors or other persons in the community.

19           "(10) Any other matter the court deems relevant,  
20 which may include, but is not limited to, a prior expungement  
21 of the petitioner's records.

22           "(b) A hearing under subsection (a) shall be  
23 conducted in a manner prescribed by the trial judge and shall  
24 include oral argument and review of relevant documentation in  
25 support of, or in objection to, the granting of the petition.  
26 The Alabama Rules of Evidence shall apply to the hearing.

1 Leave of the court shall be obtained for the taking of witness  
2 testimony relating to any disputed fact.

3 "(c) There is no right to the expungement of any  
4 criminal record, and any request for expungement of a criminal  
5 record may be denied at the sole discretion of the court. The  
6 court shall grant the petition if it is reasonably satisfied  
7 from the evidence that the petitioner has complied with and  
8 satisfied the requirements of this chapter. The court shall  
9 have discretion over the number of cases that may be expunged  
10 pursuant to this chapter after the first case is expunged. The  
11 ruling of the court shall be subject to certiorari review and  
12 shall not be reversed absent a showing of an abuse of  
13 discretion.

14 "(d) (1) If Except as provided in subdivision (2), if  
15 no objection to a petition is filed by the prosecuting  
16 authority or victim, the court having jurisdiction over the  
17 matter may rule on the merits of the petition without setting  
18 the matter for hearing. In such cases, the court shall grant  
19 the petition if it is reasonably satisfied from the evidence  
20 that the petitioner has complied with and satisfied the  
21 requirements of this chapter. The court shall have discretion  
22 over the number of cases that may be expunged pursuant to this  
23 chapter after the first case is expunged.

24 "(2) If the petition is a victim of human  
25 trafficking, the court shall set the matter for hearing and  
26 shall grant the petition if it is reasonably satisfied from

1 the evidence that the petitioner has complied with and  
2 satisfied the requirements of this chapter."

3 Section 2. (a) As used in this section, the  
4 following terms have the following meanings:

5 (1) EMPLOYER. A person employing any number of  
6 employees for each working day in each of 20 or more calendar  
7 weeks in the current or preceding calendar year, including any  
8 agent of that person.

9 (2) EMPLOYEE. Includes all of the following:

10 a. Individuals working in either a full-time or a  
11 part-time capacity for an employer.

12 b. Individuals working in an at-will capacity for an  
13 employer.

14 c. Individuals who are a member of a labor or trade  
15 union or other association of workers.

16 (3) RETALIATE. To discharge, demote, transfer, or  
17 otherwise discriminate against an employee regarding the  
18 employee's compensation, terms, conditions, or privileges of  
19 employment.

20 (b) It is an unlawful employment practice for an  
21 employer to retaliate against an employee who reports, under  
22 oath or in the form of an affidavit, an offense under Article  
23 4 (commencing with Section 13A-6-60), Article 4A (commencing  
24 with Section 13A-6-80), or Article 8 (commencing with Section  
25 13A-6-150) of Chapter 6 of Title 13A, Article 3 (commencing  
26 with Section 13A-12-110) of Chapter 12 of Title 13A, Code of  
27 Alabama 1975, or any state or federal labor law.

1           Section 3. (a) A municipality may adopt an ordinance  
2 that allows a law enforcement officer, pursuant to a lawful  
3 arrest, to impound a vehicle used in the commission, or  
4 attempted commission, of a violation of Article 8 (commencing  
5 with Section 13A-6-150) of Chapter 6 of Title 13A or a  
6 violation of Division 2 (commencing with Section 13A-12-120)  
7 of Article 3 of Chapter 12 of Title 13A, Code of Alabama 1975.

8           (b) If a municipality elects to adopt an ordinance  
9 under subsection (a), the municipality shall do all of the  
10 following:

11           (1) Offer a diversion program to any individual  
12 arrested or cited under the ordinance who is a victim of  
13 trafficking or who engaged in prostitution for monetary  
14 consideration or other thing of value.

15           (2) Authorize the removal of a vehicle impounded  
16 under subsection (a) only if the individual arrested in the  
17 commission, or attempted commission, of a violation described  
18 in subsection (a) is the sole registered owner of the vehicle.  
19 If that individual is not the sole registered owner, the other  
20 registered owner or owners of the vehicle shall be provided an  
21 opportunity to take possession of the vehicle.

22           (3) Reimburse an individual for the costs associated  
23 with towing and impounding the vehicle if the individual is  
24 not found guilty of the crime for which the vehicle was  
25 impounded or if the charge is dismissed.

26           Section 4. Although this bill would have as its  
27 purpose or effect the requirement of a new or increased

1 expenditure of local funds, the bill is excluded from further  
2 requirements and application under Amendment 621, now  
3 appearing as Section 111.05 of the Official Recompilation of  
4 the Constitution of Alabama of 1901, as amended, because the  
5 bill defines a new crime or amends the definition of an  
6 existing crime.

7           Section 5. This act shall become effective January  
8 1, 2021, following its passage and approval by the Governor,  
9 or its otherwise becoming law.