

1 HB454
2 192137-1
3 By Representatives McMillan, Faust, Shiver, Baker, Davis and
4 Jackson (Constitutional Amendment)
5 RFD: Baldwin County Legislation
6 First Read: 27-FEB-18

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8 SYNOPSIS: This bill would propose an amendment to the
9 Constitution of Alabama of 1901, relating to
10 Baldwin County, to prohibit a person from owning or
11 operating or installing, creating, building, or
12 fabricating a motor vehicle, aircraft, or vessel
13 with a false or secret compartment used to
14 unlawfully conceal contraband or controlled
15 substances; to provide criminal penalties and
16 property forfeiture for violations.

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18 A BILL
19 TO BE ENTITLED
20 AN ACT
21

22 To propose an amendment to the Constitution of
23 Alabama of 1901, relating to Baldwin County, to prohibit a
24 person from owning or operating or installing, creating,
25 building, or fabricating a motor vehicle, aircraft, or vessel
26 with a false or secret compartment used to unlawfully conceal

1 contraband or controlled substances; to provide criminal
2 penalties and property forfeiture for violations.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. The following amendment to the
5 Constitution of Alabama of 1901, is proposed and shall become
6 valid as a part of the Constitution when all requirements of
7 this act are fulfilled:

8 PROPOSED AMENDMENT

9 (a) This amendment shall only apply in Baldwin
10 County.

11 (b) As used in this amendment, the following words
12 have the following meanings:

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

16 (2) FALSE OR SECRET COMPARTMENT. An enclosure
17 integrated into a motor vehicle, aircraft, or vessel, that is
18 a modification of the motor vehicle, aircraft, or vessel, as
19 originally manufactured used to conceal or hide an illegal
20 object or objects.

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

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

25 (c) (1) A person may not knowingly or intentionally
26 own or operate a motor vehicle, aircraft, or vessel containing
27 a false or secret compartment that is used or has been used to

1 conceal a controlled substance prohibited by Chapter 2, Title
2 20, Code of Alabama 1975, an object that is illegal to possess,
3 or other contraband.

4 (2) A person may not install, create, build, or
5 fabricate a false or secret compartment in a motor vehicle,
6 aircraft, or vessel that he or she or another person intends
7 to use to conceal a controlled substance prohibited by Chapter
8 2, Title 20, Code of Alabama 1975, an object that is illegal
9 to possess, or other contraband.

10 (d) For the purposes of this section, a new owner of
11 a motor vehicle, aircraft, or vessel is not criminally liable
12 for any conduct in violation of subsection (b) which occurred
13 prior to the transfer of title of the vehicle, aircraft, or
14 vessel, provided he or she had no knowledge of the conduct and
15 takes steps to change the motor vehicle, aircraft, or vessel
16 back to its original design when made aware of the
17 modification in violation of this amendment.

18 (e) Notwithstanding Section 104, the Legislature may
19 provide penalties for violations of this amendment by local
20 law.

21 (f) A motor vehicle, aircraft, or vessel containing
22 a false or secret compartment used in violation of this
23 amendment, as well as any items in the compartment, are
24 subject to seizure by a state or local law enforcement officer
25 with jurisdiction over the property. The procedures for
26 forfeiture and the disposition of the property and any

1 proceeds shall be subject to Article 4, Chapter 5, Title 15,
2 Code of Alabama 1975.

3 Section 2. An election upon the proposed amendment
4 shall be held in accordance with Sections 284 and 284.01 of
5 the Constitution of Alabama of 1901, now appearing as Sections
6 284 and 284.01 of the Official ReCompilation of the
7 Constitution of Alabama of 1901, as amended, and the election
8 laws of this state.

9 Section 3. The appropriate election official shall
10 assign a ballot number for the proposed constitutional
11 amendment on the election ballot and shall set forth the
12 following description of the substance or subject matter of
13 the proposed constitutional amendment:

14 "Relating to Baldwin County, proposing an amendment
15 to the Constitution of Alabama of 1901, to prohibit a person
16 from owning or operating or installing, creating, building, or
17 fabricating a motor vehicle, aircraft, or vessel with a false
18 or secret compartment used to unlawfully conceal contraband or
19 controlled substances; to provide criminal penalties and
20 property forfeiture for violations.

21 "Proposed by Act _____"

22 This description shall be followed by the following
23 language:

24 "Yes () No ()."