

1 HB264
2 197651-3
3 By Representatives Coleman and Collins
4 RFD: Judiciary
5 First Read: 21-MAR-19

1 ENGROSSED

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4 A BILL
5 TO BE ENTITLED
6 AN ACT

7
8 Relating to human trafficking; to amend Section
9 13A-6-170, Code of Alabama 1975, to revise the penalties for
10 violations; to establish which agencies are responsible for
11 enforcement; to provide for technical revisions; and in
12 connection therewith would have as its purpose or effect the
13 requirement of a new or increased expenditure of local funds
14 within the meaning of Amendment 621 of the Constitution of
15 Alabama of 1901, now appearing as Section 111.05 of the
16 Official Recompilation of the Constitution of Alabama of 1901,
17 as amended.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. Section 13A-6-170, Code of Alabama 1975,
20 is amended to read as follows:

21 "§13A-6-170.

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

25 "a. All persons owning any establishment that
26 requires ~~a liquor license or~~ a retail alcoholic beverage

1 license, and that does not also have a food or beverage
2 permit, or both~~7~~.

3 "b. All persons owning any hotel that has been cited
4 as a nuisance as defined in Sections 13A-12-110 to 13A-12-122,
5 inclusive, Section 6-5-140.

6 "c. All persons owning any massage parlor where an
7 employee has been cited with violating Section 45-13-41, or
8 where the establishment that has been cited as a nuisance as
9 defined in Section 6-5-140~~7~~.

10 "d. Any any airport, train station, rest area, rest
11 stop, or bus station~~7~~ and.

12 "e. All persons owning any gas station.

13 ~~"e.~~ f. All persons owning any business that provides
14 entertainment commonly called stripteasing or topless
15 entertaining or entertainment that has employees who are not
16 clad both above and below the waist.

17 "(2) This subsection does not apply to businesses
18 providing entertainment in theaters, concert halls, art
19 centers, museums, or similar establishments that are devoted
20 primarily to the arts or theatrical performances, when the
21 performances that are presented are expressing matters of
22 serious literary, artistic, scientific, or political value.

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

1 "(1) If you or someone you know is being forced to
2 engage in any activity and cannot leave - whether it is
3 commercial sex, housework, farm work, or any other activity -
4 call the National Human Trafficking Resource Center Hotline at
5 1-888-373-7888 to access help and services.

6 "~~(1)~~ (2) Victims of human trafficking are protected
7 under U.S. law.

8 "~~(2)~~ (3) The Toll-free Hotline is:

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

10 ""b. Operated by a nonprofit, nongovernmental
11 organization.

12 ""c. Anonymous and confidential.

13 ""d. Accessible in 170 languages.

14 ""e. Able to provide help, referral to services,
15 training, and general information."

16 ~~"This subsection shall not apply to businesses
17 providing entertainment in theaters, concert halls, art
18 centers, museums, or similar establishments that are devoted
19 primarily to the arts or theatrical performances, when the
20 performances that are presented are expressing matters of
21 serious literary, artistic, scientific, or political value.~~

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

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

27 "(2) The Alabama Public Service Commission.

1 "(3) The Alabama Department of Labor.

2 "~~(c)~~ (d) The owners shall print the poster from any
3 of the Internet websites in subsection ~~(b)~~ (c) or ask that the
4 poster be mailed for the cost of printing and first class
5 postage and post the sign in compliance with subsection ~~(a)~~
6 (b).

7 "~~(d)~~ (e) The Alcoholic Beverage Control Board, the
8 Public Service Commission, and the Department of Labor shall
9 post the sign on its Internet site in English, Spanish, and
10 any other language deemed appropriate by the Commissioner of
11 Labor. The owners shall obtain and post the posters in
12 English, Spanish, and any other languages deemed appropriate
13 by the Commissioner of Labor.

14 "~~(e)~~ (f) The Alcoholic Beverage Control Board, the
15 Public Service Commission, and the Department of Labor shall
16 provide each applicable business or establishment with notice
17 of mandatory compliance of this section.

18 "~~(f)~~ (g) (1) A person who violates this section shall
19 be subject to a ~~warning~~ fine of two hundred fifty dollars
20 (\$250) on the first violation and a fine ~~not to exceed fifty~~
21 ~~dollars~~ ~~(\$50)~~ of two thousand five hundred dollars (\$2,500)
22 for each subsequent violation. The violation or noncompliance
23 with this section, and each day's continuance thereof, shall
24 constitute a separate and distinct violation.

25 "(2) Funds collected under this section shall be
26 deposited in the State Treasury to the credit of the Attorney

1 General's Special Revenue Account to be used for education and
2 other programs relating to human trafficking.

3 "(h) The Alabama Department of Labor in consultation
4 with the Alcoholic Beverage Control Board and the Public
5 Service Commission, shall adopt rules to ensure licensees of
6 the Alcoholic Beverage Control Board, massage parlors,
7 airports, train stations, rest areas, rest stops, bus
8 stations, hotels, gas stations, and businesses that provide
9 entertainment as referenced in paragraph (a)(1)e., comply with
10 the provisions of this section and to further provide for
11 enforcement of this section."

12 Section 2. Although this bill would have as its
13 purpose or effect the requirement of a new or increased
14 expenditure of local funds, the bill is excluded from further
15 requirements and application under Amendment 621, now
16 appearing as Section 111.05 of the Official Recompilation of
17 the Constitution of Alabama of 1901, as amended, because the
18 bill defines a new crime or amends the definition of an
19 existing crime.

20 Section 3. This act shall become effective on
21 January 1, 2020, following its passage and approval by the
22 Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Judiciary 21-MAR-19

Read for the second time and placed
on the calendar..... 25-APR-19

Read for the third time and passed
as amended..... 22-MAY-19

Yeas 103, Nays 0, Abstains 0

Jeff Woodard
Clerk