

1 HB289  
2 204482-2  
3 By Representatives Coleman and Collins  
4 RFD: Commerce and Small Business  
5 First Read: 20-FEB-20

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

This bill would increase the penalty for a subsequent violation to \$250.

This bill would establish which agencies would be responsible for enforcement of this act.

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

Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official ReCompilation of the Constitution of Alabama of 1901, as amended, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote

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

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

14  
15                           A BILL  
16                           TO BE ENTITLED  
17                           AN ACT

18  
19           Relating to human trafficking; to amend Section  
20   13A-6-170, Code of Alabama 1975, to revise the penalties for  
21   violations; to establish which agencies are responsible for  
22   enforcement; to make nonsubstantive, technical revisions to  
23   update the existing code language to current style; and in  
24   connection therewith would have as its purpose or effect the  
25   requirement of a new or increased expenditure of local funds  
26   within the meaning of Amendment 621 of the Constitution of  
27   Alabama of 1901, now appearing as Section 111.05 of the

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

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

6 "§13A-6-170.

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

10 "a. All persons ~~owning~~ operating any establishment  
11 that requires ~~a liquor license or a retail~~ alcoholic beverage  
12 license, and that does not also have a food or beverage  
13 permit, or both~~7~~.\_

14 "b. All persons operating any hotel that has been  
15 cited as a nuisance as defined in ~~Sections 13A-12-110 to~~  
16 ~~13A-12-122, inclusive;~~ Section 6-5-140.

17 "c. All persons operating any massage parlor ~~where~~  
18 ~~an employee has been cited with violating Section 45-13-41, or~~  
19 ~~where the establishment that~~ has been cited as a nuisance as  
20 defined in Section 6-5-140~~7~~.\_

21 "d. Any ~~any~~ airport, train station, rest area, rest  
22 stop, or bus station~~7~~\_and.

23 "e. All persons operating any gas station.

24 "~~e.~~ f. All persons operating any business that  
25 provides entertainment commonly called stripteasing or topless  
26 entertaining or entertainment that has employees who are not  
27 clad both above and below the waist.\_

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

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

12           ""(1) If you or someone you know is being forced to  
13 engage in any activity and cannot leave - whether it is  
14 commercial sex, housework, farm work, or any other activity -  
15 call the National Human Trafficking Resource Center Hotline at  
16 1-888-373-7888 to access help and services.

17           ""~~(1)~~ (2) Victims of human trafficking are protected  
18 under U.S. law.

19           ""~~(2)~~ (3) The Toll-free Hotline is:

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

21           ""b. Operated by a nonprofit, nongovernmental  
22 organization.

23           ""c. Anonymous and confidential.

24           ""d. Accessible in 170 languages.

25           ""e. Able to provide help, referral to services,  
26 training, and general information."

1           ~~"This subsection shall not apply to businesses~~  
2 ~~providing entertainment in theaters, concert halls, art~~  
3 ~~centers, museums, or similar establishments that are devoted~~  
4 ~~primarily to the arts or theatrical performances, when the~~  
5 ~~performances that are presented are expressing matters of~~  
6 ~~serious literary, artistic, scientific, or political value.~~

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

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

12           "(2) The Alabama Public Service Commission.

13           "(3) The Alabama Department of Labor.

14           ~~"(c)~~ (d) The ~~owners~~ operators shall print the poster  
15 from any of the Internet websites in subsection ~~(b)~~ (c) or ask  
16 that the poster be mailed for the cost of printing and first  
17 class postage and post the sign in compliance with subsection  
18 ~~(a)~~ (b).

19           ~~"(d)~~ (e) The Alcoholic Beverage Control Board, the  
20 Public Service Commission, and the Department of Labor shall  
21 post the sign on its Internet site in English, Spanish, and  
22 any other language deemed appropriate by the Commissioner of  
23 Labor. The ~~owners~~ operators shall obtain and post the posters  
24 in English, Spanish, and any other languages deemed  
25 appropriate by the Commissioner of Labor.

26           ~~"(e)~~ (f) The Alcoholic Beverage Control Board, the  
27 Public Service Commission, and the Department of Labor shall

1 provide each applicable business or establishment with notice  
2 of mandatory compliance of this section.

3 ~~"(f) (g) (1)~~ A person who violates this section shall  
4 be subject to a warning on the first violation and a fine ~~not~~  
5 ~~to exceed fifty dollars (\$50)~~ of two hundred fifty dollars  
6 (\$250) for each subsequent violation. ~~The violation or~~  
7 ~~noncompliance with this section, and each day's continuance~~  
8 ~~thereof, shall constitute a separate and distinct violation.~~

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

13 "(h) The Alabama Department of Labor, in  
14 consultation with the Alcoholic Beverage Control Board and the  
15 Public Service Commission, shall adopt rules to ensure  
16 licensees of the Alcoholic Beverage Control Board, and  
17 operators of massage parlors, airports, train stations, rest  
18 areas, rest stops, bus stations, hotels, gas stations, and  
19 businesses that provide entertainment as referenced in  
20 paragraph (a) (1) e., comply with this section and to further  
21 provide for enforcement of this section."

22 Section 2. Although this bill would have as its  
23 purpose or effect the requirement of a new or increased  
24 expenditure of local funds, the bill is excluded from further  
25 requirements and application under Amendment 621, now  
26 appearing as Section 111.05 of the Official Recompile of  
27 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 January  
4 1, 2021, following its passage and approval by the Governor,  
5 or its otherwise becoming law.