

1 HB262
2 197271-1
3 By Representatives Coleman and Collins
4 RFD: Judiciary
5 First Read: 21-MAR-19

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8 SYNOPSIS: Under existing law, a photograph of any
9 person arrested for the crime of prostitution is
10 not a public record and may not be published
11 without a court order.

12 This bill would allow the disclosure of a
13 certain person's photograph after an arrest for
14 prostitution.

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16 A BILL
17 TO BE ENTITLED
18 AN ACT

19
20 Relating to prostitution; to amend Section
21 13A-6-183, Code of Alabama 1975, to allow the disclosure of a
22 certain person's photograph after an arrest for prostitution.
23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24 Section 1. Section 13A-6-183, Code of Alabama 1975,
25 is amended to read as follows:

26 "§13A-6-183.

1 "(a) For the safety and well-being of a person
2 arrested for the crime of prostitution under Division 2 of
3 Article 3 of Chapter 12, he or she may be held in custody for
4 up to 72 hours. The person shall be brought before a court of
5 competent jurisdiction as soon as possible within a 48-hour
6 period to conduct an inquiry into the person's access to
7 resources, such as, but not limited to, health care, shelter,
8 mental health counseling, or financial aid. The court may
9 issue an order to assist the person in obtaining the services
10 and resources needed pursuant to the court's inquiry.

11 "(b) (1) Except as provided in subdivision (2), a
12 photograph of a person taken by a law enforcement agency upon
13 the arrest of a person for the crime of prostitution under
14 Division 2 of Article 3 of Chapter 12, is not a public record
15 and may not be published in any printed or electronic media or
16 provided to any person without an order of a district court
17 judge with jurisdiction over the person's criminal case."

18 "(2) A photograph of a person who procures or
19 solicits a prostitute or who provides persons or premises for
20 prostitution purposes in violation of Section 13A-12-121, is a
21 public record and may be published in any printed or
22 electronic media or provided to any person without an order of
23 the court."

24 Section 2. This act shall become effective on the
25 first day of the third month following its passage and
26 approval by the Governor, or its otherwise becoming law.