

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

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

13 This bill would increase the penalty to \$250  
14 for a first violation and \$2,500 for a subsequent  
15 violation.

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

18 This bill would further provide for  
19 technical revisions.

20 Amendment 621 of the Constitution of Alabama  
21 of 1901, now appearing as Section 111.05 of the  
22 Official Recompilation of the Constitution of  
23 Alabama of 1901, as amended, prohibits a general  
24 law whose purpose or effect would be to require a  
25 new or increased expenditure of local funds from  
26 becoming effective with regard to a local  
27 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 provide for technical revisions; and in  
23 connection therewith would have as its purpose or effect the  
24 requirement of a new or increased expenditure of local funds  
25 within the meaning of Amendment 621 of the Constitution of  
26 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 any establishment that  
11 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~~.~~

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

17 "c. All persons owning any massage parlor ~~where an~~  
18 ~~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~~.~~

21 "d. Any ~~any~~ airport, train station, or bus station~~.~~  
22 ~~and.~~

23 "e. All persons owning any business that provides  
24 entertainment commonly called stripteasing or topless  
25 entertaining or entertainment that has employees who are not  
26 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 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 shall print the poster from any  
15 of the Internet websites in subsection ~~(b)~~ (c) or ask that the  
16 poster be mailed for the cost of printing and first class  
17 postage and post the sign in compliance with subsection ~~(a)~~  
18 (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 shall obtain and post the posters in  
24 English, Spanish, and any other languages deemed appropriate  
25 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~~ fine of two hundred fifty dollars  
5 (\$250) on the first violation and a fine ~~not to exceed fifty~~  
6 ~~dollars (\$50)~~ of two thousand five hundred dollars (\$2,500)  
7 for each subsequent violation. The violation or noncompliance  
8 with this section, and each day's continuance thereof, shall  
9 constitute a separate and distinct violation.

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

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

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