

1 HB514
2 219216-1
3 By Representative McCampbell
4 RFD: Judiciary
5 First Read: 17-MAR-22

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8 SYNOPSIS: This bill would prohibit a person from
9 operating a vehicle that contains a false or secret
10 compartment, the purpose of which is to conceal,
11 hide, or prevent discovery of a controlled
12 substance, contraband, or a person concealed for an
13 unlawful purpose.

14 This bill would provide criminal penalties
15 for a violation.

16 Amendment 621 of the Constitution of Alabama
17 of 1901, as amended by Amendment 890, now appearing
18 as Section 111.05 of the Official ReCompilation of
19 the Constitution of Alabama of 1901, as amended,
20 prohibits a general law whose purpose or effect
21 would be to require a new or increased expenditure
22 of local funds from becoming effective with regard
23 to a local governmental entity without enactment by
24 a 2/3 vote unless: it comes within one of a number
25 of specified exceptions; it is approved by the
26 affected entity; or the Legislature appropriates

1 funds, or provides a local source of revenue, to
2 the entity for the purpose.

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

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11 A BILL
12 TO BE ENTITLED
13 AN ACT
14

15 Relating to crimes and offenses; to prohibit the
16 operation of a vehicle that contains a false or secret
17 compartment; to provide criminal penalties for a violation;
18 and in connection therewith would have as its purpose or
19 effect the requirement of a new or increased expenditure of
20 local funds within the meaning of Amendment 621 of the
21 Constitution of Alabama of 1901, as amended by Amendment 890,
22 now appearing as Section 111.05 of the Official Recompilation
23 of the Constitution of Alabama of 1901, as amended.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. (a) (1) It is unlawful for any person to
26 operate any vehicle with knowledge that the vehicle contains a
27 false or secret compartment.

1 (2) It is unlawful for any person to install,
2 create, build, or fabricate in any vehicle a false or secret
3 compartment.

4 (3) It is unlawful for any person to sell, trade, or
5 otherwise dispose of a vehicle with knowledge that the vehicle
6 is in violation of this section.

7 (b) (1) As used in this section, the term "false or
8 secret compartment" means any enclosure that is integrated
9 into or attached to a vehicle, the purpose of which enclosure
10 is to conceal, hide, or prevent discovery of any one or more
11 of the following by a law enforcement officer:

12 a. A person concealed for an unlawful purpose.

13 b. A controlled substance possessed in violation of
14 Article 5, Chapter 12, Title 13A, Code of Alabama 1975.

15 c. Contraband or any property subject to seizure and
16 forfeiture as provided in Section 20-2-93, Code of Alabama
17 1975.

18 (2) The term includes, but is not limited to, false,
19 altered, or modified fuel tanks; original factory equipment on
20 a vehicle that has been modified; and any compartment, space,
21 or box that is added or attached to existing compartments,
22 spaces, or boxes of the vehicle.

23 (3) The term does not include compartments that
24 existed in or on the motor vehicle at the time of
25 manufacturing, or accessories offered by the motor vehicle
26 manufacturer, distributor, or licensed dealer.

1 (c) A legal inference of fact may be inferred that
2 the operator of a vehicle seized in violation of this section
3 had knowledge of a false or secret compartment on the vehicle
4 if the vehicle has a false or secret compartment to which any
5 of the following apply:

6 (1) The compartment is concealing a person for any
7 unlawful purpose, or there is evidence of the previous
8 concealment of a person for an unlawful purpose.

9 (2) The compartment is concealing a controlled
10 substance possessed in violation of Article 5, Chapter 12,
11 Title 13A, Code of Alabama 1975, or there is evidence of the
12 previous unlawful possession of controlled substances.

13 (3) The compartment is concealing contraband or any
14 property subject to seizure and forfeiture as provided in
15 Section 20-2-93, Code of Alabama 1975, or there is evidence of
16 the previous concealment of contraband or any property subject
17 to seizure and forfeiture.

18 (d) Any vehicle seized under this section shall be
19 deemed contraband and may be forfeited pursuant to Section
20 20-2-93, Code of Alabama 1975.

21 (e) (1) Except as provided in subdivision (2), any
22 person who violates this section shall be guilty of a Class A
23 misdemeanor.

24 (2) A person who violates subdivision (c) (1) shall
25 be guilty of a Class B felony.

1 (3) Any person who violates this section shall be
2 required to pay a fine of not more than sixty thousand dollars
3 (\$60,000).

4 Section 2. Although this bill would have as its
5 purpose or effect the requirement of a new or increased
6 expenditure of local funds, the bill is excluded from further
7 requirements and application under Amendment 621, as amended
8 by Amendment 890, now appearing as Section 111.05 of the
9 Official Recompilation of the Constitution of Alabama of 1901,
10 as amended, because the bill defines a new crime or amends the
11 definition of an existing crime.

12 Section 3. This act shall become effective on the
13 first day of the third month following its passage and
14 approval by the Governor, or its otherwise becoming law.