

SB207

219991-2

By Senators Singleton and Orr

RFD: Judiciary

First Read: 10-FEB-22

SB207

ENROLLED, An Act,

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) (1) It is unlawful for any person to operate any vehicle with knowledge that the vehicle contains a false or secret compartment, the purpose of which compartment is to conceal, hide, or prevent discovery of any one or more of the following by a law enforcement officer:

- a. A person concealed for an unlawful purpose.
- b. A controlled substance possessed in violation of Article 5, Chapter 12, Title 13A, Code of Alabama 1975.
- c. Contraband, as defined under Section 20-2-93, Code of Alabama 1975.

(2) It is unlawful for any person to install, create, build, or fabricate in any vehicle a false or secret compartment, the purpose of which compartment is to conceal, hide, or prevent discovery of any one or more of the following by a law enforcement officer:

a. A person concealed for an unlawful purpose.

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

c. Contraband, as defined under Section 20-2-93, Code of Alabama 1975.

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

(b) As used in this section, the term "false or secret compartment" does not include compartments that existed in or on the motor vehicle at the time of manufacturing, or accessories offered by the motor vehicle manufacturer, distributor, or licensed dealer.

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

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

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

(3) The compartment is concealing contraband, as defined under Section 20-2-93, Code of Alabama 1975, or there is evidence of the previous concealment of contraband.

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

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

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

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

Section 2. Although this bill would have as its purpose or effect the requirement of a new or increased expenditure of local funds, the bill is excluded from further requirements and application under Amendment 621, as amended

by Amendment 890, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, because the bill defines a new crime or amends the definition of an existing crime.

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

President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB207

Senate 15-MAR-22

I hereby certify that the within Act originated in and passed the Senate, as amended.

Senate 07-APR-22

I hereby certify that the within Act originated in and passed the Senate, as amended by Conference Committee Report.

Patrick Harris,
Secretary.

House of Representatives

Passed: 31-MAR-22, as amended

House of Representatives

Passed: 07-APR-2022, as amended by Conference Committee Report.

By: Senator Singleton