HB24 ENGROSSED



- 1 FK64D5-2
- 2 By Representative Ingram
- 3 RFD: County and Municipal Government
- 4 First Read: 07-Mar-23
- 5 PFD: 08-Feb-23



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6	A BILL
7	TO BE ENTITLED
8	AN ACT
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10	Relating to crimes and offenses; to amend Sections
11	13A-11-9 and 32-5A-216, Code of Alabama 1975, to prohibit an
12	individual from loitering on a public roadway maintained by
13	the state; or in the right-of-way of a public roadway
14	maintained by the state; to provide criminal penalties for
15	violations; and in connection therewith would have as its
16	purpose or effect the requirement of a new or increased
17	expenditure of local funds within the meaning of Section
18	111.05 of the Constitution of Alabama 2022.
19	BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
20	Section 1. Sections 13A-11-9 and 32-5A-216, Code of
21	Alabama 1975, are amended to read as follows:
22	"§13A-11-9
23	(a) A person commits the crime of loitering if he or
24	she does any of the following:
25	(1) Loiters, remains, or wanders about in a public
26	place for the purpose of begging.
27	(2) Loiters or remains in a public place for the
28	purpose of gambling.



- 29 (3) Loiters or remains in a public place for the
 30 purpose of engaging or soliciting another person to engage in
 31 prostitution or sodomy.
- 32 (4) Being masked, loiters, remains, or congregates in a public place.

- (5) Loiters or remains in or about a school, college, or university building or grounds after having been told to leave by any authorized official of the school, college, or university, not having any reason or relationship involving custody of or responsibility for a pupil or any other specific, legitimate reason for being there, and not having written permission from a school, college, or university administrator.
- (6) Loiters or remains in any transportation facility, unless specifically authorized to do so, for the purpose of soliciting or engaging in any business, trade, or commercial transactions involving the sale of merchandise or services.
- (7) Loiters or remains in any place with one or more persons for the purpose of unlawfully using or possessing a dangerous drug.
- (8) Loiters, or remains, on a public roadway maintained by the state or the right-of-way of a public roadway maintained by the state.
- (b) A person does not commit a crime under subdivision (a)(4) if he or she is going to or from or staying at a masquerade party, or is participating in a public parade or presentation of an educational, religious, or historical character or in an event as defined in Section 13A-11-140.



- 57 (c) Sodomy in subdivision (a) (3) is defined as in Section 13A-6-60. 58
- (d) Dangerous drug in subdivision (a) (7) means any 59 60 narcotic, drug, or controlled substance as defined in Chapter 61 2 of Title 20 and any schedule incorporated therein.
- 62 (e) Loitering is a violation. A second or subsequent 63 violation of this section in the same jurisdiction is a Class 64 C misdemeanor.
- (f) (1) Prior to making an arrest for a violation of subdivision (a)(1), a law enforcement officer may instruct any 66 person in violation of subdivision (a) (1) to immediately and peaceably exit the public roadway maintained by the state or the right-of-way of the public roadway maintained by the state.
- 71 (2) a. Prior to making an arrest for an initial violation of subdivision (a)(1), a law enforcement officer may 72 73 offer to transport any person in violation of subdivision 74 (a) (1) to a location in the jurisdiction that offers emergency 75 housing, if applicable.
 - b. If a person accepts an offer made pursuant to subdivision (1), a law enforcement officer may transport the person accordingly.
- 79 (g) Any actions undertaken by a law enforcement officer 80 pursuant to this section shall be subject to Section 36-1-12."
- 81 "\$32-5A-216

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- 82 (a) No person shall stand in a roadway for the purpose 83 of soliciting a ride.
- 84 (b) No person shall stand on a highway for the purpose

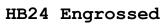


of soliciting employment, business, or contributions from the occupant of any vehicle, nor for the purpose of distributing any article, unless otherwise authorized by official permit of the governing body of the city or county having jurisdiction over the highway.

- (c) No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.
- (d) No person shall fish from a bridge, viaduct, or trestle, or the approaches thereto, within the State of Alabama, unless otherwise authorized by the governing body of the city or county having jurisdiction over the highway or from the State of Alabama in the case of state highways. The authorizing authority shall erect and maintain appropriate signs giving notice that fishing is allowed."

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 Section 111.05 of the Constitution of Alabama of 2022, 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.





110 111 112	House of Representatives
113 114 115 116 117	Read for the first time and referred
118 119 120 121	Read for the second time and placed05-Apr-23 on the calendar: 0 amendments
122 123 124 125 126 127 128 129 130 131	Read for the third time and passed