

HB24 ENROLLED



1 FK64D5-3
2 By Representative Ingram
3 RFD: County and Municipal Government
4 First Read: 07-Mar-23
5 2023 Regular Session



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1 Enrolled, An Act,

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4 Relating to crimes and offenses; to amend Sections
5 13A-11-9 and 32-5A-216, Code of Alabama 1975, to prohibit an
6 individual from loitering on a public roadway maintained by
7 the state; or in the right-of-way of a public roadway
8 maintained by the state; to provide criminal penalties for
9 violations; and in connection therewith would have as its
10 purpose or effect the requirement of a new or increased
11 expenditure of local funds within the meaning of Section
12 111.05 of the Constitution of Alabama 2022.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. Sections 13A-11-9 and 32-5A-216, Code of
15 Alabama 1975, are amended to read as follows:

16 "§13A-11-9

17 (a) A person commits the crime of loitering if he or
18 she does any of the following:

19 (1) Loiters, remains, or wanders about in a public
20 place for the purpose of begging.

21 (2) Loiters or remains in a public place for the
22 purpose of gambling.

23 (3) Loiters or remains in a public place for the
24 purpose of engaging or soliciting another person to engage in
25 prostitution or sodomy.

26 (4) Being masked, loiters, remains, or congregates in a
27 public place.

28 (5) Loiters or remains in or about a school, college,



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29 or university building or grounds after having been told to
30 leave by any authorized official of the school, college, or
31 university, not having any reason or relationship involving
32 custody of or responsibility for a pupil or any other
33 specific, legitimate reason for being there, and not having
34 written permission from a school, college, or university
35 administrator.

36 (6) Loiters or remains in any transportation facility,
37 unless specifically authorized to do so, for the purpose of
38 soliciting or engaging in any business, trade, or commercial
39 transactions involving the sale of merchandise or services.

40 (7) Loiters or remains in any place with one or more
41 persons for the purpose of unlawfully using or possessing a
42 dangerous drug.

43 (8) Loiters, or remains, on a public roadway maintained
44 by the state or the right-of-way of a public roadway
45 maintained by the state.

46 (b) A person does not commit a crime under subdivision
47 (a) (4) if he or she is going to or from or staying at a
48 masquerade party, or is participating in a public parade or
49 presentation of an educational, religious, or historical
50 character or in an event as defined in Section 13A-11-140.

51 (c) Sodomy in subdivision (a) (3) is defined as in
52 Section 13A-6-60.

53 (d) Dangerous drug in subdivision (a) (7) means any
54 narcotic, drug, or controlled substance as defined in Chapter
55 2 of Title 20 and any schedule incorporated therein.

56 (e) Loitering is a violation. A second or subsequent



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57 violation of this section in the same jurisdiction is a Class
58 C misdemeanor.

59 (f) (1) Prior to making an arrest for a violation of
60 subdivision (a) (1), a law enforcement officer may instruct any
61 person in violation of subdivision (a) (1) to immediately and
62 peaceably exit the public roadway maintained by the state or
63 the right-of-way of the public roadway maintained by the
64 state.

65 (2)a. Prior to making an arrest for an initial
66 violation of subdivision (a) (1), a law enforcement officer may
67 offer to transport any person in violation of subdivision
68 (a) (1) to a location in the jurisdiction that offers emergency
69 housing, if applicable.

70 b. If a person accepts an offer made pursuant to
71 subdivision (1), a law enforcement officer may transport the
72 person accordingly.

73 (g) Any actions undertaken by a law enforcement officer
74 pursuant to this section shall be subject to Section 36-1-12."

75 "§32-5A-216

76 (a) No person shall stand in a roadway for the purpose
77 of soliciting a ride.

78 (b) No person shall stand on a highway for the purpose
79 of soliciting employment, business, or contributions from the
80 occupant of any vehicle, nor for the purpose of distributing
81 any article, unless otherwise authorized by official permit of
82 the governing body of the city or county having jurisdiction
83 over the highway.

84 (c) No person shall stand on or in proximity to a



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85 street or highway for the purpose of soliciting the watching
86 or guarding of any vehicle while parked or about to be parked
87 on a street or highway.

88 (d) No person shall fish from a bridge, viaduct, or
89 trestle, or the approaches thereto, within the State of
90 Alabama, unless otherwise authorized by the governing body of
91 the city or county having jurisdiction over the highway or
92 from the State of Alabama in the case of state highways. The
93 authorizing authority shall erect and maintain appropriate
94 signs giving notice that fishing is allowed."

95 Section 2. Although this bill would have as its purpose
96 or effect the requirement of a new or increased expenditure of
97 local funds, the bill is excluded from further requirements
98 and application under Section 111.05 of the Constitution of
99 Alabama of 2022, because the bill defines a new crime or
100 amends the definition of an existing crime.

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



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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 20-Apr-23, as amended.

John Treadwell
Clerk

Senate **16-May-23**

Passed