

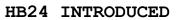
- 1 FK64D5-1
- 2 By Representative Ingram
- 3 RFD: County and Municipal Government
- 4 First Read: 07-Mar-23
- 5 PFD: 08-Feb-23



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4	SYNOPSIS:
5	Under existing law, loitering is a violation.
6	This bill would prohibit an individual from
7	loitering on a public roadway or in the right-of-way of
8	a public roadway.
9	Under existing law, a pedestrian soliciting
10	employment, business, or contributions or distributing
11	articles on a highway is a violation.
12	This bill would remove this prohibition.
13	Section 111.05 of the Constitution of Alabama of
14	2022, prohibits a general law whose purpose or effect
15	would be to require a new or increased expenditure of
16	local funds from becoming effective with regard to a
17	local governmental entity without enactment by a $2/3$
18	vote unless: it comes withing one of a number of
19	specified examples; it is approved by the affected
20	entity; or the Legislature appropriates funds, or
21	provides a local source of revenue, to the entity for
22	the purpose.
23	The purpose or effect of this bill would be to
24	require a new or increased expenditure of local funds
25	within the meaning of the amendment. However, the bill
26	does not require approval of a local governmental
27	entity or enactment by a $2/3$ vote to become effective

because it comes within one of the specified exceptions

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29	contained in the amendment.
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32	A BILL
33	TO BE ENTITLED
34	AN ACT
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36	Relating to crimes and offenses; to prohibit an
37	individual from loitering on a public roadway or in the
38	right-of-way of a public roadway; to remove the prohibition on
39	a pedestrian soliciting employment, business, or contributions
40	or distributing articles on a highway; to provide criminal
41	penalties for violations; and in connection therewith would
42	have as its purpose or effect the requirement of a new or
43	increased expenditure of local funds within the meaning of
44	Section 111.05 of the Constitution of Alabama 2022.
45	BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
46	Section 1. Sections 13A-11-9 and 32-5A-216, Code of
47	Alabama 1975, are amended to read as follows:
48	"\$13A-11-9
49	(a) A person commits the crime of loitering if he or
50	she does any of the following:
51	(1) Loiters , <u>or</u> remains , or wanders about in on a
52	public place for the purpose of begging roadway or the
53	right-of-way of a public roadway.
54	(2) Loiters or remains in a public place for the
55	purpose of gambling.
56	(3) Loiters or remains in a public place for the



57 purpose of engaging or soliciting another person to engage in 58 prostitution or sodomy.

59 (4) Being masked, loiters, remains, or congregates in a60 public place.

(5) Loiters or remains in or about a school, college, 61 62 or university building or grounds after having been told to 63 leave by any authorized official of the school, college, or 64 university, not having any reason or relationship involving 65 custody of or responsibility for a pupil or any other specific, legitimate reason for being there, and not having 66 67 written permission from a school, college, or university administrator. 68

69 (6) Loiters or remains in any transportation facility, 70 unless specifically authorized to do so, for the purpose of 71 soliciting or engaging in any business, trade, or commercial 72 transactions involving the sale of merchandise or services.

73 (7) Loiters or remains in any place with one or more 74 persons for the purpose of unlawfully using or possessing a 75 dangerous drug.

(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.

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

(d) Dangerous drug in subdivision (a) (7) means any
narcotic, drug, or controlled substance as defined in Chapter

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85	2 of Title 20 and any schedule incorporated therein.
86	(e) Loitering is a violation. A second or subsequent
87	violation of this section in the same jurisdiction is a Class
88	<u>C misdemeanor.</u>
89	(f) Prior to making an arrest for a violation of
90	subdivision (a)(1), a law enforcement officer shall instruct
91	any person in violation of this section to immediately and
92	peaceably exit the public roadway or the right-of-way of the
93	public roadway. Notwithstanding any other provision of law, if
94	a law enforcement officer provides instruction in accordance
95	with this subsection, a governmental entity shall not be
96	liable for any subsequent damages, injury, or death suffered
97	by any person as a result of, or in connection with, the
98	violation of subdivision (a)(1)."
99	"§32-5A-216
100	(a) No person shall stand in a roadway for the purpose
101	of soliciting a ride.
102	(b) No person shall stand on a highway for the purpose
103	of soliciting employment, business, or contributions from the
104	occupant of any vehicle, nor for the purpose of distributing
105	any article, unless otherwise authorized by official permit of
106	the governing body of the city or county having jurisdiction
107	over the highway.
108	(c)(b) No person shall stand on or in proximity to a
109	street or highway for the purpose of soliciting the watching
110	or guarding of any vehicle while parked or about to be parked
111	an a streat or highway

111 on a street or highway.

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(c) No person shall fish from a bridge, viaduct, or

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113 trestle, or the approaches thereto, within the State of 114 Alabama, unless otherwise authorized by the governing body of 115 the city or county having jurisdiction over the highway or 116 from the State of Alabama in the case of state highways. The 117 authorizing authority shall erect and maintain appropriate 118 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.

125 Section 3. This act shall become effective on the first 126 day of the third month following its passage and approval by 127 the Governor, or its otherwise becoming law.