

SB89 ENROLLED



1 SB89
2 LLQEYYW-2
3 By Senator Smitherman
4 RFD: Judiciary
5 First Read: 13-Feb-24



SB89 Enrolled

1 Enrolled, An Act,

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6 Relating to crimes and offenses; to amend Section
7 13A-11-9, Code of Alabama 1975, as last amended by Act
8 2023-245 of the 2023 Regular Session; to further provide for
9 the crime of loitering; to provide criminal penalties for
10 violations; and in connection therewith would have as its
11 purpose or effect the requirement of a new or increased
12 expenditure of local funds within the meaning of Section
13 111.05 of the Constitution of Alabama of 2022.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. Section 13A-11-9, Code of Alabama 1975, as
16 last amended by Act 2023-245, 2023 Regular Session, is amended
17 to read as follows:

18 "§13A-11-9

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

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

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

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

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



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

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

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

44 (8) Loiters or remains on a public roadway maintained
45 by the state ~~or~~, the right-of-way of a public roadway
46 maintained by the state, or any area within 30 feet of any
47 interchange involving a controlled-access or limited-access
48 highway. An "interchange" is defined as a system of
49 interconnecting roadways providing for traffic movement
50 between two or more roadways that do not intersect at grade.

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

56 (c) Sodomy in subdivision (a) (3) is defined as in



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57 Section 13A-6-60.

58 (d) Dangerous drug in subdivision (a)(7) means any
59 narcotic, drug, or controlled substance as defined in Chapter
60 2 of Title 20 and any schedule incorporated therein.

61 (e) Loitering is a violation. A second or subsequent
62 violation of this section in the same jurisdiction is a Class
63 C misdemeanor.

64 (f)(1) Prior to making an arrest for a violation of
65 subdivision ~~(a)(1)~~(a)(8), a law enforcement officer may
66 instruct any person in violation of subdivision ~~(a)(1)~~(a)(8)
67 to immediately and peaceably exit the public roadway
68 maintained by the state or the right-of-way of the public
69 roadway maintained by the state.

70 (2)a. Prior to making an arrest for an initial
71 violation of subdivision ~~(a)(1)~~(a)(8), a law enforcement
72 officer may offer to transport any person in violation of
73 subdivision ~~(a)(1)~~(a)(8) to a location in the jurisdiction
74 that offers emergency housing, if applicable.

75 b. If a person accepts an offer made pursuant to
76 subdivision (1), a law enforcement officer may transport the
77 person accordingly.

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

80 Section 2. Although this bill would have as its purpose
81 or effect the requirement of a new or increased expenditure of
82 local funds, the bill is excluded from further requirements
83 and application under Section 111.05 of the Constitution of
84 Alabama of 2022, because the bill defines a new crime or



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85 amends the definition of an existing crime.

86 Section 3. This act shall become effective on June 1,

87 2024.



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President and Presiding Officer of the Senate

Speaker of the House of Representatives

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Senate 29-Feb-24

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

Patrick Harris,
Secretary.

House of Representatives
Amended and passed: 25-Apr-24

Senate concurred in House amendment 30-Apr-24

By: Senator Smitherman