

1 HB284
2 216036-3
3 By Representatives Coleman and Collins
4 RFD: Judiciary
5 First Read: 08-FEB-22

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ENROLLED, An Act,

Relating to human trafficking; to amend Section 13A-6-151, Code of Alabama 1975, to further provide for definitions associated with human trafficking; 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. Section 13A-6-151, Code of Alabama 1975, is amended to read as follows:

"§13A-6-151.

"As used in this article, the following terms shall have the following, or any combination of the following, meanings ascribed to them by this section:

"(1) COERCION. Any of the following:

"a. Causing or threatening to cause physical injury or mental suffering to any person, physically restraining or confining any person, or threatening to physically restrain or confine any person or otherwise causing the person performing or providing labor or services to believe that the person or

1 another person will suffer physical injury, ~~or~~ mental
2 suffering, physical restraint, or confinement.

3 "b. Implementing any scheme, plan, or pattern
4 intended to cause a person to believe that failure to perform
5 an act would result in physical injury, mental suffering, or
6 physical restraint of any person.

7 "c. Destroying, concealing, removing, confiscating,
8 or withholding from the person or another person, or
9 threatening to destroy, conceal, remove, confiscate, or
10 withhold from the person or another person, the person's or
11 any person's actual or purported government records,
12 immigration documents, identifying information, or personal or
13 real property.

14 "d. Exposing or threatening to expose any fact or
15 information that if revealed would tend to subject a person to
16 criminal prosecution, criminal or immigration proceedings,
17 hatred, contempt, or ridicule.

18 "e. Threatening to report the person or another
19 person to immigration officials or to other law enforcement
20 officials or otherwise blackmailing or extorting the person or
21 another person.

22 "f. Use or threatened use of a law or legal process,
23 whether administrative, civil, or criminal, in any manner for
24 any purpose for which the law was not designed, in order to
25 exert pressure on another person to cause that person or

1 another person to take some action or refrain from taking some
 2 action.

3 "f. g. Controlling a person's access to medications
 4 or a controlled substance, as the term is defined in Section
 5 20-2-2.

6 "g. h. Rape, or sodomy, or any other sex offense
 7 pursuant to Section 15-20A-5, or attempted or threatened rape,
 8 or sodomy, or any other sex offense pursuant to Section
 9 15-20A-5 of any person, as defined in this title.

10 "(2) DECEPTION. Any of the following:

11 "a. Creating or confirming an impression of any
 12 existing fact or past event which is false and which the
 13 accused knows or believes to be false.

14 "b. Exerting financial control over the person or
 15 another person by placing the person or another person under
 16 the actor's control as a security or payment of a debt, if the
 17 value of the services as reasonably assessed is not applied
 18 toward the liquidation of the debt or the length and nature of
 19 those services are not respectively limited and defined or the
 20 principal amount of the debt does not reasonably reflect the
 21 value of the items or services for which debt was incurred or
 22 by preventing a person from acquiring information pertinent to
 23 the disposition of the debt, referenced in this paragraph.

24 "c. Promising benefits or the performance of
 25 services which the accused does not intend to be delivered.

1 Evidence of failure to deliver benefits or perform services
2 standing alone shall not be sufficient to authorize a
3 conviction under this article.

4 "d. Using any scheme, plan, or pattern, whether
5 overt or subtle, intended to cause any person to believe that,
6 if the person did not perform such labor, services, acts, or
7 performances, the person or another person would suffer
8 physical injury or mental suffering.

9 "(3) LABOR SERVITUDE. Work or service of economic or
10 financial value which is performed or provided by another
11 person and is induced or obtained by coercion or deception.

12 "(4) MENTAL SUFFERING. A high degree of mental pain
13 or emotional disturbances, such as distress, anxiety, public
14 humiliation, or psychosomatic physical symptoms. It is more
15 than mere disappointment, anger, resentment, wounded pride, or
16 embarrassment and must be a direct result of the crime of
17 human trafficking.

18 "(5) MINOR. A person under the age of 19.

19 "(6) PHYSICAL INJURY. Impairment of physical
20 condition or substantial pain.

21 "(7) SEXUAL CONDUCT. Any of the following acts:

22 "a. Sexual Intercourse. This term shall have its
23 ordinary meaning and occurs upon a penetration, however
24 slight; emission is not required.

25 "b. Sodomy. As defined under Section 13A-6-60.

1 "~~bc.~~ Sexual Contact. As defined under Section
2 13A-6-60. ~~Any known touching for the purpose of sexual~~
3 ~~arousal, gratification, or abuse of the following:~~

4 ~~"1. The sexual or other intimate parts of the victim~~
5 ~~by the actor.~~

6 ~~"2. The sexual or other intimate part of the actor~~
7 ~~by the victim.~~

8 ~~"3. The clothing covering the immediate area of the~~
9 ~~sexual or other intimate parts of the victim or actor.~~

10 "d. Sexual torture. As defined under Section
11 13A-6-65.1.

12 ~~"c.~~ e. Sexually Explicit Performances. An act or
13 show intended to arouse, satisfy the sexual desires of, or
14 appeal to the prurient interests of patrons or viewers,
15 whether public or private, live, photographed, recorded,
16 videotaped, or projected over the Internet.

17 ~~"d.~~ f. Commercial Sex Acts. Any sex act on account
18 of which anything of value is given, promised to, or received,
19 directly or indirectly, by any person.

20 "(8) SEXUAL SERVITUDE.

21 "a. Except as provided in paragraph b., any Any
22 ~~sexual conduct as defined in subdivision (3) of Section~~
23 ~~14-11-30,~~ for which anything of value is directly or
24 indirectly given, promised to, or received by any person,

1 which conduct is induced or obtained by coercion or deception
2 from a person; ~~provided, however, that if.~~

3 "b. If the sexual conduct is with a minor or with
4 any person who is incapable of consent by reason of being
5 incapacitated, as defined in Section 13A-6-60, no coercion or
6 deception is required.

7 "(9) TRAFFICKING VICTIM. Any person, including
8 minors, subjected to labor servitude, sexual servitude, or
9 involuntary servitude."

10 Section 2. Although this bill would have as its
11 purpose or effect the requirement of a new or increased
12 expenditure of local funds, the bill is excluded from further
13 requirements and application under Amendment 621, as amended
14 by Amendment 890, now appearing as Section 111.05 of the
15 Official Recompilation of the Constitution of Alabama of 1901,
16 as amended, because the bill defines a new crime or amends the
17 definition of an existing crime.

18 Section 3. This act shall become effective January
19 1, 2023, following its passage and approval by the Governor,
20 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 31-MAR-22.

Jeff Woodard
Clerk

Senate

07-APR-22

Passed