

## HB24 INTRODUCED



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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SYNOPSIS:

Under existing law, loitering is a violation.

This bill would prohibit an individual from loitering on a public roadway or in the right-of-way of a public roadway.

Under existing law, a pedestrian soliciting employment, business, or contributions or distributing articles on a highway is a violation.

This bill would remove this prohibition.

Section 111.05 of the Constitution of Alabama of 2022, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes withing one of a number of specified examples; it is approved by the affected entity; or the Legislature appropriates funds, or provides a local source of revenue, to the entity for the purpose.

The purpose or effect of this bill would be to require a new or increased expenditure of local funds within the meaning of the amendment. However, the bill does not require approval of a local governmental 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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A BILL

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TO BE ENTITLED

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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, or 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



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

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

61 (5) Loiters or remains in or about a school, college,  
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  
66 specific, legitimate reason for being there, and not having  
67 written permission from a school, college, or university  
68 administrator.

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.

76 (b) A person does not commit a crime under subdivision  
77 (a) (4) if he or she is going to or from or staying at a  
78 masquerade party, or is participating in a public parade or  
79 presentation of an educational, religious, or historical  
80 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.

83 (d) Dangerous drug in subdivision (a) (7) means any  
84 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 C misdemeanor.

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 ~~(e)~~ (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 on a street or highway.

112 ~~(d)~~ (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."

119           Section 2. Although this bill would have as its purpose  
120 or effect the requirement of a new or increased expenditure of  
121 local funds, the bill is excluded from further requirements  
122 and application under Section 111.05 of the Constitution of  
123 Alabama of 2022, because the bill defines a new crime or  
124 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.