

1 SB179  
2 188971-1  
3 By Senators Ward, Whatley and Dial  
4 RFD: Judiciary  
5 First Read: 16-JAN-18

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8 SYNOPSIS: Under existing law, human trafficking is a  
9 crime. Additionally, obstruction of the enforcement  
10 of the laws criminalizing human trafficking is a  
11 crime.

12 This bill would enhance the criminal  
13 penalties for obstructing the enforcement of the  
14 human trafficking laws.

15 Amendment 621 of the Constitution of Alabama  
16 of 1901, now appearing as Section 111.05 of the  
17 Official Recompilation of the Constitution of  
18 Alabama of 1901, as amended, prohibits a general  
19 law whose purpose or effect would be to require a  
20 new or increased expenditure of local funds from  
21 becoming effective with regard to a local  
22 governmental entity without enactment by a 2/3 vote  
23 unless: it comes within one of a number of  
24 specified exceptions; it is approved by the  
25 affected entity; or the Legislature appropriates  
26 funds, or provides a local source of revenue, to  
27 the entity for the purpose.

1                   The purpose or effect of this bill would be  
2                   to require a new or increased expenditure of local  
3                   funds within the meaning of the amendment. However,  
4                   the bill does not require approval of a local  
5                   governmental entity or enactment by a 2/3 vote to  
6                   become effective because it comes within one of the  
7                   specified exceptions contained in the amendment.

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9                   A BILL  
10                  TO BE ENTITLED  
11                  AN ACT

12  
13                  To amend Sections 13A-6-152 and 13A-6-153, Code of  
14                  Alabama 1975, relating to human trafficking, to enhance  
15                  criminal penalties for the obstruction of enforcement of the  
16                  laws; and in connection therewith would have as its purpose or  
17                  effect the requirement of a new or increased expenditure of  
18                  local funds within the meaning of Amendment 621 of the  
19                  Constitution of Alabama of 1901, now appearing as Section  
20                  111.05 of the Official Recompilation of the Constitution of  
21                  Alabama of 1901, as amended.

22                  BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23                  Section 1. Sections 13A-6-152 and 13A-6-153, Code of  
24                  Alabama 1975, are amended to read as follows:

25                  "§13A-6-152.

26                  "(a) A person commits the crime of human trafficking  
27                  in the first degree if:

1           "(1) He or she knowingly subjects another person to  
2 labor servitude or sexual servitude through use of coercion or  
3 deception.

4           "(2) He or she knowingly obtains, recruits, entices,  
5 solicits, induces, threatens, isolates, harbors, holds,  
6 restrains, transports, provides, or maintains any minor for  
7 the purpose of causing a minor to engage in sexual servitude.

8           "(3) For purposes of this section, it is not  
9 required that the defendant have knowledge of a minor victim's  
10 age, nor is reasonable mistake of age a defense to liability  
11 under this section.

12           "(4) A corporation, or any other legal entity other  
13 than an individual, may be prosecuted for human trafficking in  
14 the first degree for an act or omission only if an agent of  
15 the corporation or entity performs the conduct which is an  
16 element of the crime while acting within the scope of his or  
17 her office or employment and on behalf of the corporation or  
18 entity, and the commission of the crime was either authorized,  
19 requested, commanded, performed, or within the scope of the  
20 person's employment on behalf of the corporation or entity or  
21 constituted a pattern of conduct that an agent of the  
22 corporation or entity knew or should have known was occurring.

23           "(5) Any person who obstructs, or attempts to  
24 obstruct, or in any way interferes with or prevents the  
25 enforcement of this section shall be guilty of a Class C  
26 felony.

1           "(b) Human trafficking in the first degree is a  
2 Class A felony.

3           "§13A-6-153.

4           "(a) A person commits the crime of human trafficking  
5 in the second degree if:

6           "(1) A person knowingly benefits, financially or by  
7 receiving anything of value, from participation in a venture  
8 or engagement for the purpose of sexual servitude or labor  
9 servitude.

10           "(2) A person knowingly recruits, entices, solicits,  
11 induces, harbors, transports, holds, restrains, provides,  
12 maintains, subjects, or obtains by any means another person  
13 for the purpose of labor servitude or sexual servitude.

14           "(3) A corporation, or any other legal entity other  
15 than an individual, may be prosecuted for human trafficking in  
16 the second degree for an act or omission only if an agent of  
17 the corporation or entity performs the conduct which is an  
18 element of the crime while acting within the scope of his or  
19 her office or employment and on behalf of the corporation or  
20 entity, and the commission of the crime was either authorized,  
21 requested, commanded, performed, or within the scope of the  
22 person's employment on behalf of the corporation or entity or  
23 constituted a pattern of conduct that an agent of the  
24 corporation or entity knew or should have known was occurring.

25           "(4) Any person who obstructs, or attempts to  
26 obstruct, or in any way interferes with or prevents the

1 enforcement of this section shall be guilty of a Class ~~A~~  
2 ~~misdemeanor~~ B felony.

3 "(b) Human trafficking in the second degree is a  
4 Class B felony."

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

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