

1 HB289
2 204482-2
3 By Representatives Coleman and Collins
4 RFD: Commerce and Small Business
5 First Read: 20-FEB-20

8 SYNOPSIS: Under existing law, the penalty for a first
9 violation of failing to post human trafficking
10 hotline information in certain establishments is a
11 warning and the penalty for a subsequent violation
12 is \$25.

13 This bill would increase the penalty for a
14 subsequent violation to \$250.

15 This bill would establish which agencies
16 would be responsible for enforcement of this act.

17 This bill would also make nonsubstantive,
18 technical revisions to update the existing code
19 language to current style.

20 Amendment 621 of the Constitution of Alabama
21 of 1901, now appearing as Section 111.05 of the
22 Official Recompilation of the Constitution of
23 Alabama of 1901, as amended, prohibits a general
24 law whose purpose or effect would be to require a
25 new or increased expenditure of local funds from
26 becoming effective with regard to a local
27 governmental entity without enactment by a 2/3 vote

1 unless: it comes within one of a number of
2 specified exceptions; it is approved by the
3 affected entity; or the Legislature appropriates
4 funds, or provides a local source of revenue, to
5 the entity for the purpose.

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

14
15 A BILL
16 TO BE ENTITLED
17 AN ACT
18

19 Relating to human trafficking; to amend Section
20 13A-6-170, Code of Alabama 1975, to revise the penalties for
21 violations; to establish which agencies are responsible for
22 enforcement; to make nonsubstantive, technical revisions to
23 update the existing code language to current style; and in
24 connection therewith would have as its purpose or effect the
25 requirement of a new or increased expenditure of local funds
26 within the meaning of Amendment 621 of the Constitution of
27 Alabama of 1901, now appearing as Section 111.05 of the

1 Official Recompilation of the Constitution of Alabama of 1901,
2 as amended.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Section 13A-6-170, Code of Alabama 1975,
5 is amended to read as follows:

6 "§13A-6-170.

7 "(a) (1) Except as provided in subdivision (2), this
8 section applies to all of the following persons or
9 establishments:

10 "a. All persons ~~owning~~ operating any establishment
11 that requires ~~a liquor license or a retail~~ alcoholic beverage
12 license, and that does not also have a food or beverage
13 permit, or both.

14 "b. All persons operating any hotel that has been
15 cited as a nuisance as defined in ~~Sections 13A-12-110 to~~
16 ~~13A-12-122, inclusive;~~ Section 6-5-140.

17 "c. All persons operating any massage parlor ~~where~~
18 ~~an employee has been cited with violating Section 45-13-41, or~~
19 ~~where the establishment that has been cited as a nuisance as~~
20 defined in Section 6-5-140.

21 "d. Any ~~any~~ airport, train station, rest area, rest
22 stop, or bus station.

23 "e. All persons operating any gas station.

24 "~~e. f.~~ f. All persons operating any business that
25 provides entertainment commonly called stripteasing or topless
26 entertaining or entertainment that has employees who are not
27 clad both above and below the waist.

1 "(2) This subsection does not apply to businesses
2 providing entertainment in theaters, concert halls, art
3 centers, museums, or similar establishments that are devoted
4 primarily to the arts or theatrical performances, when the
5 performances that are presented are expressing matters of
6 serious literary, artistic, scientific, or political value.

7 "(b) Any person subject to this section shall post
8 in a location conspicuous to the public at the entrance of the
9 business or where ~~such~~ posters and notices are customarily
10 posted, a poster of no smaller than 8 1/2 by 11 inches in size
11 that substantially states all of the following:

12 ""(1) If you or someone you know is being forced to
13 engage in any activity and cannot leave - whether it is
14 commercial sex, housework, farm work, or any other activity -
15 call the National Human Trafficking Resource Center Hotline at
16 1-888-373-7888 to access help and services.

17 ""~~(1)~~ (2) Victims of human trafficking are protected
18 under U.S. law.

19 ""~~(2)~~ (3) The Toll-free Hotline is:

20 ""a. Available 24 hours a day, 7 days a week.

21 ""b. Operated by a nonprofit, nongovernmental
22 organization.

23 ""c. Anonymous and confidential.

24 ""d. Accessible in 170 languages.

25 ""e. Able to provide help, referral to services,
26 training, and general information."

1 ~~"This subsection shall not apply to businesses~~
2 ~~providing entertainment in theaters, concert halls, art~~
3 ~~centers, museums, or similar establishments that are devoted~~
4 ~~primarily to the arts or theatrical performances, when the~~
5 ~~performances that are presented are expressing matters of~~
6 ~~serious literary, artistic, scientific, or political value.~~

7 ~~"(b)~~ (c) The poster shall be available on the
8 Internet website of all of the following:

9 "(1) The Alabama Alcoholic Beverage Control Board
10 where documents associated with obtaining a liquor license or
11 alcoholic beverage license are customarily located.

12 "(2) The Alabama Public Service Commission.

13 "(3) The Alabama Department of Labor.

14 ~~"(c)~~ (d) The ~~owners~~ operators shall print the poster
15 from any of the Internet websites in subsection ~~(b)~~ (c) or ask
16 that the poster be mailed for the cost of printing and first
17 class postage and post the sign in compliance with subsection
18 ~~(a)~~ (b).

19 ~~"(d)~~ (e) The Alcoholic Beverage Control Board, the
20 Public Service Commission, and the Department of Labor shall
21 post the sign on its Internet site in English, Spanish, and
22 any other language deemed appropriate by the Commissioner of
23 Labor. The ~~owners~~ operators shall obtain and post the posters
24 in English, Spanish, and any other languages deemed
25 appropriate by the Commissioner of Labor.

26 ~~"(e)~~ (f) The Alcoholic Beverage Control Board, the
27 Public Service Commission, and the Department of Labor shall

1 provide each applicable business or establishment with notice
2 of mandatory compliance of this section.

3 ~~"(f) (g) (1) A person who violates this section shall~~
4 ~~be subject to a warning on the first violation and a fine not~~
5 ~~to exceed fifty dollars (\$50) of two hundred fifty dollars~~
6 ~~(\$250) for each subsequent violation. The violation or~~
7 ~~noncompliance with this section, and each day's continuance~~
8 ~~thereof, shall constitute a separate and distinct violation.~~

9 "(2) Funds collected under this section shall be
10 deposited in the State Treasury to the credit of the Attorney
11 General's Special Revenue Account to be used for education and
12 other programs relating to human trafficking.

13 "(h) The Alabama Department of Labor, in
14 consultation with the Alcoholic Beverage Control Board and the
15 Public Service Commission, shall adopt rules to ensure
16 licensees of the Alcoholic Beverage Control Board, and
17 operators of massage parlors, airports, train stations, rest
18 areas, rest stops, bus stations, hotels, gas stations, and
19 businesses that provide entertainment as referenced in
20 paragraph (a) (1)e., comply with this section and to further
21 provide for enforcement of this section."

22 Section 2. Although this bill would have as its
23 purpose or effect the requirement of a new or increased
24 expenditure of local funds, the bill is excluded from further
25 requirements and application under Amendment 621, now
26 appearing as Section 111.05 of the Official ReCompilation of
27 the Constitution of Alabama of 1901, as amended, because the

1 bill defines a new crime or amends the definition of an
2 existing crime.

3 Section 3. This act shall become effective January
4 1, 2021, following its passage and approval by the Governor,
5 or its otherwise becoming law.