

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

SYNOPSIS: Under existing law, a person is guilty of human trafficking if the person, among other things, benefits financially from subjecting another person to sexual servitude. Sexual servitude is defined to require coercion or deception from the perpetrator of the crime.

Also under existing law, coercion or deception is not required if the victim is a minor.

This bill would further provide for the crime of human trafficking and would provide that coercion or deception is not required if the victim is incapable of consent by reason of being incapacitated.

This bill would also further provide for the meaning of sexual servitude as it relates to human trafficking to include sodomy and sexual torture as forms of sexual conduct obtained as a result of deception or coercion.

Amendment 621 of the Constitution of Alabama of 1901, as amended by Amendment 890, now appearing

1 as Section 111.05 of the Official ReCompilation of
2 the Constitution of Alabama of 1901, as amended,
3 prohibits a general law whose purpose or effect
4 would be to require a new or increased expenditure
5 of local funds from becoming effective with regard
6 to a local governmental entity without enactment by
7 a 2/3 vote unless: it comes within one of a number
8 of specified exceptions; it is approved by the
9 affected entity; or the Legislature appropriates
10 funds, or provides a local source of revenue, to
11 the entity for the purpose.

12 The purpose or effect of this bill would be
13 to require a new or increased expenditure of local
14 funds within the meaning of the amendment.
15 However, the bill does not require approval of a
16 local governmental entity or enactment by a 2/3
17 vote to become effective because it comes within
18 one of the specified exceptions contained in the
19 amendment.

20
21 A BILL

22 TO BE ENTITLED

23 AN ACT

24
25 Relating to human trafficking; to amend Section
26 13A-6-151, Code of Alabama 1975, to further provide for
27 definitions associated with human trafficking; and in

1 connection therewith would have as its purpose or effect the
2 requirement of a new or increased expenditure of local funds
3 within the meaning of Amendment 621 of the Constitution of
4 Alabama of 1901, as amended by Amendment 890, now appearing as
5 Section 111.05 of the Official ReCompilation of the
6 Constitution of Alabama of 1901, as amended.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8 Section 1. Section 13A-6-151, Code of Alabama 1975,
9 is amended to read as follows:

10 "§13A-6-151.

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

14 "(1) COERCION. Any of the following:

15 "a. Causing or threatening to cause physical injury
16 or mental suffering to any person, physically restraining or
17 confining any person, or threatening to physically restrain or
18 confine any person or otherwise causing the person performing
19 or providing labor or services to believe that the person or
20 another person will suffer physical injury, ~~or~~ mental
21 suffering, physical restraint, or confinement.

22 "b. Implementing any scheme, plan, or pattern
23 intended to cause a person to believe that failure to perform
24 an act would result in physical injury, mental suffering, or
25 physical restraint of any person.

26 "c. Destroying, concealing, removing, confiscating,
27 or withholding from the person or another person, or

1 threatening to destroy, conceal, remove, confiscate, or
2 withhold from the person or another person, the person's or
3 any person's actual or purported government records,
4 immigration documents, identifying information, or personal or
5 real property.

6 "d. Exposing or threatening to expose any fact or
7 information that if revealed would tend to subject a person to
8 criminal prosecution, criminal or immigration proceedings,
9 hatred, contempt, or ridicule.

10 "e. Threatening to report the person or another
11 person to immigration officials or to other law enforcement
12 officials or otherwise blackmailing or extorting the person or
13 another person.

14 "f. Use or threatened use of a law or legal process,
15 whether administrative, civil, or criminal, in any manner for
16 any purpose for which the law was not designed, in order to
17 exert pressure on another person to cause that person or
18 another person to take some action or refrain from taking some
19 action.

20 "~~f.~~ g. Controlling a person's access to medications
21 or a controlled substance, as the term is defined in Section
22 20-2-2.

23 "~~g.~~ h. Rape, ~~or~~ sodomy, or any other sex offense
24 pursuant to Section 15-20A-5, or attempted or threatened rape,
25 or sodomy, or any other sex offense pursuant to Section
26 15-20A-5 of any person, as defined in this title.

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

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

4 "b. Exerting financial control over the person or
5 another person by placing the person or another person under
6 the actor's control as a security or payment of a debt, if the
7 value of the services as reasonably assessed is not applied
8 toward the liquidation of the debt or the length and nature of
9 those services are not respectively limited and defined or the
10 principal amount of the debt does not reasonably reflect the
11 value of the items or services for which debt was incurred or
12 by preventing a person from acquiring information pertinent to
13 the disposition of the debt, referenced in this paragraph.

14 "c. Promising benefits or the performance of
15 services which the accused does not intend to be delivered.
16 Evidence of failure to deliver benefits or perform services
17 standing alone shall not be sufficient to authorize a
18 conviction under this article.

19 "d. Using any scheme, plan, or pattern, whether
20 overt or subtle, intended to cause any person to believe that,
21 if the person did not perform such labor, services, acts, or
22 performances, the person or another person would suffer
23 physical injury or mental suffering.

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

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

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

8 "(6) PHYSICAL INJURY. Impairment of physical
9 condition or substantial pain.

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

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

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

15 ~~"b.c. Sexual Contact. As defined under Section~~
16 ~~13A-6-60. Any known touching for the purpose of sexual~~
17 ~~arousal, gratification, or abuse of the following:~~

18 ~~"1. The sexual or other intimate parts of the victim~~
19 ~~by the actor.~~

20 ~~"2. The sexual or other intimate part of the actor~~
21 ~~by the victim.~~

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

24 **"d. Sexual torture. As defined under Section**
25 ~~13A-6-65.1.~~

26 ~~"e.~~ **e.** Sexually Explicit Performances. An act or
27 show intended to arouse, satisfy the sexual desires of, or

1 appeal to the prurient interests of patrons or viewers,
2 whether public or private, live, photographed, recorded,
3 videotaped, or projected over the Internet.

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

7 "(8) SEXUAL SERVITUDE.

8 "a. Except as provided in paragraph b., any Any
9 sexual conduct ~~as defined in subdivision (3) of Section~~
10 ~~14-11-30,~~ for which anything of value is directly or
11 indirectly given, promised to, or received by any person,
12 which conduct is induced or obtained by coercion or deception
13 from a person; ~~provided, however, that if.~~

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

18 "(9) TRAFFICKING VICTIM. Any person, including
19 minors, subjected to labor servitude, sexual servitude, or
20 involuntary servitude."

21 Section 2. Although this bill would have as its
22 purpose or effect the requirement of a new or increased
23 expenditure of local funds, the bill is excluded from further
24 requirements and application under Amendment 621, as amended
25 by Amendment 890, now appearing as Section 111.05 of the
26 Official Recompile of the Constitution of Alabama of 1901,

1 as amended, because the bill defines a new crime or amends the
2 definition of an existing crime.

3 Section 3. This act shall become effective January
4 1, 2023, following its passage and approval by the Governor,
5 or its otherwise becoming law.