

**House County and Municipal Government Engrossed
Substitute for HB24**



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A BILL
TO BE ENTITLED
AN ACT

Relating to crimes and offenses; to amend Sections 13A-11-9 and 32-5A-216, Code of Alabama 1975, to prohibit an individual from loitering on a public roadway maintained by the state or in the right-of-way of a public roadway maintained by the state; to remove the prohibition on a pedestrian soliciting employment, business, or contributions or distributing articles on a highway; to provide criminal penalties for violations; 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 Section 111.05 of the Constitution of Alabama 2022.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 13A-11-9 and 32-5A-216, Code of Alabama 1975, are amended to read as follows:

"§13A-11-9

(a) A person commits the crime of loitering if he or she does any of the following:

(1) Loiters, or remains, ~~or wanders about in on~~ a public ~~place for the purpose of begging~~ roadway maintained by



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29 the state or the right-of-way of a public roadway maintained
30 by the state.

31 (2) Loiters or remains in a public place for the
32 purpose of gambling.

33 (3) Loiters or remains in a public place for the
34 purpose of engaging or soliciting another person to engage in
35 prostitution or sodomy.

36 (4) Being masked, loiters, remains, or congregates in a
37 public place.

38 (5) Loiters or remains in or about a school, college,
39 or university building or grounds after having been told to
40 leave by any authorized official of the school, college, or
41 university, not having any reason or relationship involving
42 custody of or responsibility for a pupil or any other
43 specific, legitimate reason for being there, and not having
44 written permission from a school, college, or university
45 administrator.

46 (6) Loiters or remains in any transportation facility,
47 unless specifically authorized to do so, for the purpose of
48 soliciting or engaging in any business, trade, or commercial
49 transactions involving the sale of merchandise or services.

50 (7) Loiters or remains in any place with one or more
51 persons for the purpose of unlawfully using or possessing a
52 dangerous drug.

53 (b) A person does not commit a crime under subdivision
54 (a) (4) if he or she is going to or from or staying at a
55 masquerade party, or is participating in a public parade or
56 presentation of an educational, religious, or historical



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57 character or in an event as defined in Section 13A-11-140.

58 (c) Sodomy in subdivision (a)(3) is defined as in
59 Section 13A-6-60.

60 (d) Dangerous drug in subdivision (a)(7) means any
61 narcotic, drug, or controlled substance as defined in Chapter
62 2 of Title 20 and any schedule incorporated therein.

63 (e) Loitering is a violation. A second or subsequent
64 violation of this section in the same jurisdiction is a Class
65 C misdemeanor.

66 (f)(1) Prior to making an arrest for a violation of
67 subdivision (a)(1), a law enforcement officer may instruct any
68 person in violation of subdivision (a)(1) to immediately and
69 peaceably exit the public roadway maintained by the state or
70 the right-of-way of the public roadway maintained by the
71 state.

72 (2)a. Prior to making an arrest for an initial
73 violation of subdivision (a)(1), a law enforcement officer may
74 offer to transport any person in violation of subdivision
75 (a)(1) to a location in the jurisdiction that offers emergency
76 housing, if applicable.

77 b. If a person accepts an offer made pursuant to
78 subdivision (1), a law enforcement officer may transport the
79 person accordingly.

80 (g) Any actions undertaken by a law enforcement officer
81 pursuant to this section shall be subject to Section 36-1-12."

82 "§32-5A-216

83 (a) No person shall stand in a roadway for the purpose
84 of soliciting a ride.



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85 ~~(b) No person shall stand on a highway for the purpose~~
86 ~~of soliciting employment, business, or contributions from the~~
87 ~~occupant of any vehicle, nor for the purpose of distributing~~
88 ~~any article, unless otherwise authorized by official permit of~~
89 ~~the governing body of the city or county having jurisdiction~~
90 ~~over the highway.~~

91 ~~(e)~~ (b) No person shall stand on or in proximity to a
92 street or highway for the purpose of soliciting the watching
93 or guarding of any vehicle while parked or about to be parked
94 on a street or highway.

95 ~~(d)~~ (c) No person shall fish from a bridge, viaduct, or
96 trestle, or the approaches thereto, within the State of
97 Alabama, unless otherwise authorized by the governing body of
98 the city or county having jurisdiction over the highway or
99 from the State of Alabama in the case of state highways. The
100 authorizing authority shall erect and maintain appropriate
101 signs giving notice that fishing is allowed."

102 Section 2. Although this bill would have as its purpose
103 or effect the requirement of a new or increased expenditure of
104 local funds, the bill is excluded from further requirements
105 and application under Section 111.05 of the Constitution of
106 Alabama of 2022, because the bill defines a new crime or
107 amends the definition of an existing crime.

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