

1 HB166
2 126526-1
3 By Representatives Williams (J), Beckman, Henry, Johnson (K),
4 Shiver and Wallace
5 RFD: Judiciary
6 First Read: 03-MAR-11

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8 SYNOPSIS: Under existing law, there is no requirement
9 for any lounge to post the National Human
10 Trafficking Resource Center Hotline.

11 This bill would require the posting of the
12 hotline.

13 This bill would make it a Class C
14 misdemeanor for a first violation; a Class B
15 misdemeanor for a second violation; and a Class A
16 misdemeanor for a third violation.

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

1 funds, or provides a local source of revenue, to
2 the entity for the purpose.

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

10
11 A BILL
12 TO BE ENTITLED
13 AN ACT
14

15 Relating to lounges; to provide for the posting of
16 the National Human Trafficking Resource Center Hotline in
17 certain establishments; to provide penalties; and in
18 connection therewith would have as its purpose or effect the
19 requirement of a new or increased expenditure of local funds
20 within the meaning of Amendment 621 of the Constitution of
21 Alabama of 1901, now appearing as Section 111.05 of the
22 Official Recompilation of the Constitution of Alabama of 1901,
23 as amended.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. (a) All persons owning any establishment
26 that requires a liquor license or alcoholic beverage license,
27 and that does not also have a food or beverage permit, or

1 both; any hotel that has been cited as a nuisance as defined
2 in Section 6-5-140 of the Code of Alabama 1975; any massage
3 parlor where an employee has been cited with violating Section
4 45-13-41, or where the establishment has been cited as a
5 nuisance as defined in Section 6-5-140; any airport, train
6 station, or bus station; and any business that provides
7 entertainment commonly called stripteasing or topless
8 entertaining or entertainment that has employees who are not
9 clad both above and below the waist shall post in a location
10 conspicuous to the public at the entrance of the business or
11 where such posters and notices are customarily posted, a
12 poster of no smaller than 8 1/2 by 11 inches in size that
13 states the following:

14 "If you or someone you know is being forced to
15 engage in any activity and cannot leave - whether it is
16 commercial sex, housework, farm work, or any other activity -
17 call the National Human Trafficking Resource Center Hotline at
18 1-888-373-7888 to access help and services.

19 "(1) Victims of human trafficking are protected
20 under U.S. law.

21 "(2) The Toll-free Hotline is:

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

23 "b. Operated by a nonprofit, nongovernmental
24 organization.

25 "c. Anonymous and confidential.

26 "d. Accessible in 170 languages.

1 "e. Able to provide help, referral to services,
2 training, and general information."

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

9 (b) The poster shall be available on the Internet
10 website of all of the following:

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

14 (2) The Alabama Public Service Commission.

15 (3) The Alabama Department of Industrial Relations.

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

20 (d) The Alcoholic Beverage Control Board, the Public
21 Service Commission, and the Department of Industrial Relations
22 shall post the sign on its Internet site in English, Spanish,
23 and any other language deemed appropriate by the Director of
24 the Alabama Department of Industrial Relations. The owners
25 shall obtain and post the posters in English, Spanish, and any
26 other languages deemed appropriate by the Director of the
27 Department of Industrial Relations.

1 (e) The Alcoholic Beverage Control Board, the Public
2 Service Commission, and the Department of Industrial Relations
3 shall provide each applicable business or establishment with
4 notice of mandatory compliance of this act.

5 (f) A first violation of this act shall be a Class C
6 misdemeanor punishable by a fine or imprisonment, or both.
7 Upon a second violation, the offense shall be a Class B
8 misdemeanor punishable by fine or imprisonment, or both. Upon
9 a third violation, the offense shall be a Class A misdemeanor
10 punishable by a fine or imprisonment, or both.

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

19 Section 3. This act shall become effective on
20 January 1, 2012, following its passage and approval by the
21 Governor, or its otherwise becoming law.