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3 HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR HB305
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8 SYNOPSIS: Under existing law, sexual servitude is
9 defined to require the use of deception or
10 coercion.

11 This bill would remove the requirement of
12 deception or coercion if the sexual conduct is with
13 a minor and further define the crime of human
14 trafficking in the first degree.

15 Under existing law, a victim of human
16 trafficking may bring a private civil action.

17 This bill would further provide for the
18 private right of action by establishing venue,
19 authorizing damages, and awarding attorney's fees
20 and costs to a prevailing plaintiff.

21 This bill would provide a right of action by
22 the Attorney General to enforce the human
23 trafficking laws and to recover damages for victims
24 of human trafficking.

25 Under existing law, there is a limitations
26 period for human trafficking actions.

1 This bill would exempt the Attorney General
2 from the limitations period.

3 This bill would authorize the Attorney
4 General to issue subpoenas to compel a person to
5 appear, produce evidence, and produce testimony in
6 the aid of any investigation of human trafficking.

7 This bill would provide a civil penalty for
8 violations of the human trafficking laws.

9 Under existing law, it is a crime to commit
10 an act of prostitution, solicit or compel a person
11 to participate in prostitution, aid another in
12 engaging in prostitution, or provide a premises for
13 prostitution.

14 This bill would make it a crime to engage in
15 an act of prostitution with a minor, solicit or
16 compel a minor to participate in prostitution, aid
17 another in engaging in prostitution with a minor,
18 or provide a premises for engaging in prostitution
19 with a minor.

20 Under existing law, a defendant accused of
21 human trafficking is expressly prohibited from
22 asserting a mistake of age defense.

23 This bill would also prohibit a defendant
24 accused of engaging in an act of prostitution with
25 a minor from asserting a mistake of age defense.

26 This bill would provide for an additional
27 fine for persons convicted of human trafficking to

1 be used to compensate the victims of human
2 trafficking.

3 This bill would provide for the expungement
4 of certain crimes committed by victims of human
5 trafficking under certain conditions.

6 This bill would provide that human
7 trafficking offenses and certain prostitution
8 offenses may only be prosecuted in circuit or
9 district court.

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

23 The purpose or effect of this bill would be
24 to require a new or increased expenditure of local
25 funds within the meaning of the amendment. However,
26 the bill does not require approval of a local
27 governmental entity or enactment by a 2/3 vote to

1 become effective because it comes within one of the
2 specified exceptions contained in the amendment.

3
4 A BILL
5 TO BE ENTITLED
6 AN ACT

7
8 Relating to human trafficking and offenses against
9 minors; to amend Sections 13A-6-151 and 13A-6-152, Code of
10 Alabama 1975, to provide further for the definition of sexual
11 servitude and to provide further for the crime of human
12 trafficking in the first degree; to amend Section 13A-6-157,
13 Code of Alabama 1975, to provide further for the private right
14 of action of a victim of human trafficking; to add Section
15 13A-6-157.1 to the Code of Alabama 1975, to provide a right of
16 action by the Attorney General to enforce the human
17 trafficking laws and to recover damages for victims of human
18 trafficking; to amend Section 13A-6-158, Code of Alabama 1975,
19 to provide that the limitations period does not apply to the
20 Attorney General; to add Sections 13A-6-161 and 13A-6-162 to
21 the Code of Alabama 1975, to authorize the issuance of and
22 enforcement of subpoenas when investigating allegations of
23 human trafficking and to provide a civil penalty for
24 violations; to add Section 13A-12-121.1 to the Code of Alabama
25 1975, to establish the crime of engaging in an act of
26 prostitution with a minor; to amend Section 13A-12-122, Code
27 of Alabama 1975, to provide further criminal penalties for

1 human trafficking; to add Sections 13A-12-124 and 13A-12-125
2 to the Code of Alabama 1975, to prohibit a defendant accused
3 of engaging in an act of prostitution with a minor from
4 asserting a mistake of age defense and to provide an
5 additional fine; to amend Sections 15-27-1 and 15-27-2, Code
6 of Alabama 1975, to provide further for the expungement of
7 certain crimes committed by victims of human trafficking under
8 certain conditions; to provide that human trafficking offenses
9 and certain prostitution offenses may only be prosecuted in
10 circuit or district court; and in connection therewith would
11 have as its purpose or effect the requirement of a new or
12 increased expenditure of local funds within the meaning of
13 Amendment 621 of the Constitution of Alabama of 1901, now
14 appearing as Section 111.05 of the Official Recompilation of
15 the Constitution of Alabama of 1901, as amended.

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

17 Section 1. Sections 13A-6-151, 13A-6-152, and
18 13A-6-157, Code of Alabama 1975, are amended to read as
19 follows:

20 "§13A-6-151.

21 "As used in this article, the following terms shall
22 have the following, or any combination of the following,
23 meanings ascribed to them by this section:

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

25 "a. Causing or threatening to cause physical injury
26 or mental suffering to any person, physically restraining or
27 confining any person, or threatening to physically restrain or

1 confine any person or otherwise causing the person performing
2 or providing labor or services to believe that the person or
3 another person will suffer physical injury or mental
4 suffering.

5 **"b.** Implementing any scheme, plan, or pattern
6 intended to cause a person to believe that failure to perform
7 an act would result in physical injury, mental suffering, or
8 physical restraint of any person.

9 **"c.** Destroying, concealing, removing, confiscating,
10 or withholding from the person or another person, or
11 threatening to destroy, conceal, remove, confiscate, or
12 withhold from the person or another person, the person's or
13 any person's actual or purported government records,
14 immigration documents, identifying information, or personal or
15 real property.

16 **"d.** Exposing or threatening to expose any fact or
17 information that if revealed would tend to subject a person to
18 criminal prosecution, criminal or immigration proceedings,
19 hatred, contempt, or ridicule.

20 **"e.** Threatening to report the person or another
21 person to immigration officials or to other law enforcement
22 officials or otherwise blackmailing or extorting the person or
23 another person.

24 **"f.** Controlling a person's access to a controlled
25 substance, as the term is defined in Section 20-2-2.

26 **"g.** Rape or sodomy or threatened rape or sodomy of
27 any person, as defined in Title 13A.

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

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

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

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

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

25 "(3) LABOR SERVITUDE. Work or service of economic or
26 financial value which is performed or provided by another
27 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 ~~18~~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. Sexual contact. Any known touching for the
15 purpose of sexual arousal, gratification, or abuse of the
16 following:

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

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

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

23 "c. Sexual explicit performances, meaning an act or
24 show intended to arouse, satisfy the sexual desires of, or
25 appeal to the prurient interests of patrons or viewers,
26 whether public or private, live, photographed, recorded,
27 videotaped, or projected over the Internet.

1 "d. Commercial sex acts, meaning any sex act on
2 account of which anything of value is given, promised to, or
3 received, directly or indirectly, by any person.

4 "~~(7)~~ (8) SEXUAL SERVITUDE. Any of the following:

5 "a. Any sexual conduct as defined in subdivision (3)
6 of Section 14-11-30, for which anything of value is directly
7 or indirectly given, promised to, or received by any person,
8 which conduct is induced or obtained by coercion or deception
9 from a person; provided, however, that if the sexual conduct
10 is with a minor, no coercion or deception is required.

11 "~~b. Sexual conduct includes:~~

12 "~~1. Sexually explicit performances, meaning an act~~
13 ~~or show intended to arouse, satisfy the sexual desires of, or~~
14 ~~appeal to the prurient interests of patrons or viewers,~~
15 ~~whether public or private, live, photographed, recorded,~~
16 ~~videotaped, or projected over the Internet.~~

17 "~~2. Commercial sex acts, meaning any sex act on~~
18 ~~account of which anything of value is given, promised to, or~~
19 ~~received, directly or indirectly, by any person.~~

20 "~~3. Acts defined in subdivision (3) of Section~~
21 ~~14-11-30.~~

22 "~~(8)~~ (9) TRAFFICKING VICTIM. Any person, including
23 minors, subjected to labor servitude, sexual servitude, or
24 involuntary servitude.

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) He or she knowingly gives monetary
9 consideration or any other thing of value to engage in any
10 sexual conduct with a minor or an individual he or she
11 believes to be a minor.

12 "~~(3)~~ (b) For purposes of this section, it is not
13 required that the defendant have knowledge of a minor victim's
14 age, nor is reasonable mistake of age a defense to liability
15 under this section.

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

1 "~~(5)~~ (d) Any person who obstructs, or attempts to
2 obstruct, or in any way interferes with or prevents the
3 enforcement of this section shall be guilty of a Class C
4 felony.

5 "~~(b)~~ (e) Human trafficking in the first degree is a
6 Class A felony."

7 "§13A-6-157.

8 "(a) An individual who is a victim of human
9 trafficking may bring a civil action in the appropriate state
10 court.

11 "(b) Venue for any action brought under this section
12 shall be in the county in which the offense was committed or
13 in any other county into or through which the person upon whom
14 it was committed may have been carried in the commission of
15 the offense. If venue is proper in more than one county, venue
16 shall be in either county.

17 "(c) The court may award actual damages,
18 compensatory damages, punitive damages, injunctive relief, and
19 any other appropriate relief. A prevailing plaintiff shall
20 also be awarded attorney's fees and costs. Treble damages
21 shall be awarded on proof of actual damages where defendant's
22 acts were willful and malicious.

23 "(d) The court shall award a prevailing plaintiff
24 attorney's fees and costs.

25 "(e) Upon commencement of any action brought under
26 this section, the clerk of the court shall mail a copy of the
27 complaint or other initial pleading to the office of the

1 Attorney General and, upon entry of any injunction, judgment,
2 or decree in the action, shall mail a copy of the injunction,
3 judgment, or decree to the office of the Attorney General.

4 "(f) This section does not preclude any other remedy
5 available to the victim under federal law or the laws of this
6 state."

7 Section 2. Section 13A-6-157.1 is added to the Code
8 of Alabama 1975, to read as follows:

9 §13A-6-157.1.

10 (a) In addition to any other remedy under this
11 article, if the Attorney General has reason to believe that
12 any person, corporation, or any other legal entity is engaging
13 in, has engaged in, or is about to engage in any act or
14 practice declared to be unlawful by this article, the Attorney
15 General may bring an action in the name of the state in the
16 appropriate state court against the person, corporation, or
17 entity to restrain by temporary restraining order, or
18 temporary or permanent injunction, the acts or practices.

19 (b) In addition to any other remedy under this
20 article, the Attorney General may bring a civil action on
21 behalf of the state in the appropriate state court to recover
22 actual damages for victims of acts or practices performed in
23 violation of this article.

24 (c) Venue for any action brought under this section
25 is in the county in which the offense was committed or in any
26 other county into or through which the person upon whom it was
27 committed may have been carried in the commission of the

1 offense. If venue is proper in more than one county, venue
2 shall be in either county.

3 Section 3. Section 13A-6-158, Code of Alabama 1975,
4 is amended to read as follows:

5 "§13A-6-158.

6 "(a) (1) ~~An~~ Except as provided in subsection (c), an
7 action for an offense defined by this article where the victim
8 is not a minor shall be brought within five years from the
9 date the victim was removed or escaped from the human
10 trafficking situation.

11 "(2) Any statute of limitations that would otherwise
12 preclude prosecution for an offense involving the trafficking
13 of a minor, or the physical or sexual abuse of a minor, shall
14 be tolled until such time as the victim has reached the age of
15 ~~18~~ 19 years.

16 "(3) The running of the statute of limitations shall
17 be suspended where a person entitled to bring a claim of an
18 offense defined by this article could not have reasonably
19 discovered the crime due to circumstances resulting from the
20 human trafficking situation, such as psychological trauma,
21 cultural and linguistic isolation, and the inability to access
22 services.

23 "(b) Any statute of limitation period imposed for
24 the filing of a civil action under this article will not begin
25 to run until the plaintiff discovers both that the sex trade
26 act occurred and that the defendant caused, was responsible
27 for, or profited from the sex trade act.

1 "(1) If the plaintiff is a minor, then the
2 limitation period will not commence running until he or she
3 has reached the age of majority.

4 "(2) If the plaintiff is under a disability at the
5 time the cause of action accrues, so that it is impossible or
6 impractical for him or her to bring an action, then the time
7 of the disability is not part of the time limited for the
8 commencement of the action. Disability includes, but is not
9 limited to, insanity, imprisonment, or other incapacity or
10 incompetence.

11 "(3) If the plaintiff's injury is caused by two or
12 more acts that are part of a continuing series of sex trade
13 acts by the same defendant, then the limitation period will
14 not commence running until the last sex trade act in the
15 continuing series occurs.

16 "(4) If the plaintiff is subject to threats,
17 intimidation, manipulation, or fraud perpetrated by the
18 defendant or by any person acting in the interest of the
19 defendant, then the time when these acts occur will not be
20 part of the time limited for the commencement of this action.

21 "(c) There shall be no limitation period for civil
22 actions brought under this article by the Attorney General."

23 Section 4. Sections 13A-6-161 and 13A-6-162 are
24 added to the Code of Alabama 1975, to read as follows:

25 §13A-6-161.

26 Before the Attorney General commences any action
27 under this article, the Attorney General may issue subpoenas

1 to any person to appear and produce relevant papers,
2 documents, and physical evidence, and administer an oath or
3 affirmation to any person, in aid of any investigation or
4 inquiry into possible violations of this article. The
5 subpoenas shall be served in accordance with the appropriate
6 Alabama Rules of Civil Procedure. Upon failure of a person
7 without lawful excuse to obey such subpoena, the Attorney
8 General may apply to a court of competent jurisdiction for an
9 order compelling compliance. After an action is commenced,
10 discovery may proceed in accordance with the Alabama Rules of
11 Civil Procedure.

12 §13A-6-162.

13 (a) Any person, corporation, or other legal entity
14 who engages in any act or practice that violates this article
15 is liable for a civil penalty of up to fifty thousand dollars
16 (\$50,000) for each violation.

17 (b) Any person, corporation, or other legal entity
18 who violates the terms of an injunction or order issued under
19 this article shall forfeit and pay a civil penalty of not more
20 than seventy-five thousand dollars (\$75,000) per violation and
21 shall be adjudged in contempt. For the purpose of this
22 section, any court issuing an injunction or order under this
23 article shall retain jurisdiction, and in such cases the
24 Attorney General may petition for recovery of civil penalties.

25 (c) Upon a second or continuing violation of an
26 injunction after imposition of the sanctions in subsection
27 (b), and upon petition by the Attorney General, the circuit

1 court of general jurisdiction of a county may order the
2 dissolution or suspension or forfeiture of the franchise of
3 any corporation, partnership, or sole proprietorship that
4 willfully violates the terms of any injunction issued pursuant
5 to this article.

6 (d) In any successful action brought by the Attorney
7 General under this section, the court shall award the office
8 of the Attorney General reasonable attorney's fees and costs.

9 (e) All penalties recovered in actions brought under
10 this section shall be deposited into the State Treasury to the
11 credit of the Attorney General's Special Revenue Account for
12 the purpose of implementing and enforcing this article.

13 Amounts deposited into the Special Revenue Account shall be
14 budgeted and allotted in accordance with Sections 41-4-80
15 through 41-4-96 and Sections 41-19-1 through 41-19-12, Code of
16 Alabama 1975.

17 Section 5. Section 13A-12-121.1 is added to the Code
18 of Alabama 1975, to read as follows:

19 §13A-12-121.1.

20 (a) No person shall commit an act of prostitution,
21 as defined in Section 13A-12-120, with a minor.

22 (b) No person shall solicit, compel, or coerce any
23 minor to have sexual intercourse or participate in any natural
24 or unnatural sexual act, deviate sexual intercourse, or sexual
25 contact for monetary consideration or other thing of
26 marketable value.

1 (c) No person shall agree to engage in sexual
2 intercourse, deviate sexual intercourse, or sexual contact
3 with a minor or participate in the act for monetary
4 consideration or other thing of marketable value and give or
5 accept monetary consideration or other thing of value in
6 furtherance of the agreement.

7 (d) No person shall knowingly do any of the
8 following:

9 (1) Cause or aid a minor to commit or engage in
10 prostitution.

11 (2) Procure or solicit a minor for prostitution.

12 (3) Provide premises for the prostitution of a
13 minor.

14 (4) Receive or accept money or other thing of value
15 pursuant to a prior agreement with a minor where the minor
16 participates or is to participate in the proceeds of any
17 prostitution activity.

18 (5) Operate or assist in the operation of a house of
19 prostitution or a prostitution enterprise where minors
20 participate in prostitution.

21 (6) Sell or offer to sell travel services that
22 include or facilitate travel for the purpose of engaging in
23 sexual intercourse, sexual acts, deviate sexual intercourse,
24 or any other sexual contact with a minor.

25 Section 6. Section 13A-12-122, Code of Alabama 1975,
26 is amended to read as follows:

27 "§13A-12-122.

1 "(a) Each violation of ~~this division~~ Section
2 13A-12-121 is a Class A misdemeanor.

3 "(b) A violation of Section 13A-12-121.1 is a Class
4 B felony."

5 Section 7. Sections 13A-12-124 and 13A-12-125 are
6 added to the Code of Alabama 1975, to read as follows:

7 §13A-12-124.

8 (a) As used in this section, the term minor victim
9 means a person who committed, or was solicited to commit, an
10 act of prostitution while the person was a minor.

11 (b) Evidence of any of the following facts or
12 conditions does not constitute a defense in a prosecution
13 under Section 13A-12-121.1, Code of Alabama 1975, nor shall
14 the evidence preclude a finding of a violation:

15 (1) A minor victim's sexual history or history of
16 commercial sexual activity.

17 (2) A minor victim's connection by blood or marriage
18 to a defendant in the case or to anyone involved in the minor
19 victim's prostitution.

20 (3) Consent of or permission by a minor victim or
21 anyone else on the minor victim's behalf to any commercial sex
22 act or sexually explicit performance.

23 (4) Age of consent to engage in sexual activity.

24 (5) Mistake as to the minor victim's age, even if
25 the mistake is reasonable.

26 §13A-12-125.

1 In addition to all other fines and penalties
2 prescribed by law, a person convicted of violating Section
3 13A-6-152, Section 13A-6-153, Section 13A-12-111, Section
4 13A-12-112, Section 13A-12-121, or Section 13A-12-121.1 shall
5 pay a fine of five hundred dollars (\$500) which shall be used
6 to compensate victims of prostitution and human trafficking.
7 The fine shall be deposited into the State Treasury to the
8 credit of the Alabama Crime Victims Compensation Fund under
9 Section 15-23-16. Amounts deposited into the Alabama Crime
10 Victims Compensation Fund shall be budgeted and allotted in
11 accordance with Sections 41-4-80 through 41-4-96 and Sections
12 41-19-1 through 41-19-12.

13 Section 8. Sections 15-27-1 and 15-27-2, Code of
14 Alabama 1975, are amended to read as follows:

15 "§15-27-1.

16 "(a) A person who has been charged with a
17 misdemeanor criminal offense, a violation, a traffic
18 violation, or a municipal ordinance violation may file a
19 petition in the criminal division of the circuit court in the
20 county in which the charges were filed, to expunge records
21 relating to the charge in any of the following circumstances:

22 "(1) When the charge is dismissed with prejudice.

23 "(2) When the charge has been no billed by a grand
24 jury.

25 "(3) When the person has been found not guilty of
26 the charge.

1 "(4) When the charge was dismissed without prejudice
2 more than two years ago, has not been refiled, and the person
3 has not been convicted of any other felony or misdemeanor
4 crime, any violation, or any traffic violation, excluding
5 minor traffic violations, during the previous two years.

6 "(5) When the person proves by a preponderance of
7 the evidence that the person is a victim of human trafficking,
8 that the person committed the misdemeanor criminal offense,
9 violation, traffic violation, or municipal ordinance violation
10 during the period the person was being trafficked, and that
11 the person would not have committed the offense or violation
12 but for being trafficked. Evidence that a person is a victim
13 of human trafficking may include, but is not limited to,
14 evidence that the person's trafficker was convicted of
15 trafficking the person under Section 13A-6-152 or Section
16 13A-6-153.

17 "(b) The circuit court shall have exclusive
18 jurisdiction of a petition filed under subsection (a).

19 "§15-27-2.

20 "(a) A person who has been charged with a felony
21 offense, except a violent offense as defined in Section
22 12-25-32, may file a petition in the criminal division of the
23 circuit court in the county in which the charges were filed,
24 to expunge records relating to the charge in any of the
25 following circumstances:

26 "(1) When the charge is dismissed with prejudice.

1 "(2) When the charge has been no billed by a grand
2 jury.

3 "(3)a. The charge was dismissed after successful
4 completion of a drug court program, mental health court
5 program, diversion program, veteran's court, or any
6 court-approved deferred prosecution program after one year
7 from successful completion of the program.

8 "b. Expungement may be a court-ordered condition of
9 a program listed in paragraph a.

10 "(4) The charge was dismissed without prejudice more
11 than five years ago, has not been refiled, and the person has
12 not been convicted of any other felony or misdemeanor crime,
13 any violation, or any traffic violation, excluding minor
14 traffic violations, during the previous five years.

15 "(5) Ninety days have passed from the date of
16 dismissal with prejudice, no-bill, acquittal, or nolle
17 prosequi and the charge has not been refiled.

18 "(6) When the person proves by a preponderance of
19 the evidence that the person is a victim of human trafficking,
20 that the person committed the felony offense during the period
21 the person was being trafficked, and that the person would not
22 have committed the felony offense but for being trafficked.
23 Evidence that a person is a victim of human trafficking may
24 include, but is not limited to, evidence that the person's
25 trafficker was convicted of trafficking the person under
26 Section 13A-6-152 or Section 13A-6-153.

1 "(b) Subsection (a) notwithstanding, convictions for
2 the following offenses, which are defined as a violent offense
3 under subdivision (15) of Section 13A-25-32, may be expunged
4 upon a showing that the person committed the felony offense
5 during the period the person was trafficked, and that the
6 person would not have committed the felony offense but for
7 being trafficked:

8 "(1) Promoting prostitution in the first degree
9 pursuant to Section 13A-12-111.

10 "(2) Domestic violence in the third degree pursuant
11 to subsection (d) of Section 13A-6-132.

12 "(3) Production of obscene matter involving a person
13 under the age of 17 years pursuant to Section 13A-12-197.

14 "(b) (1) A person who has been charged with any
15 felony offense, including a violent offense as defined in
16 Section 12-25-32, may file a petition in the criminal division
17 of the circuit court in the county in which the charges were
18 filed to expunge records relating to the charge if the person
19 has been found not guilty of the charge.

20 "(2) Records related to violent offenses as defined
21 in Section 12-25-32 may be disclosed to law enforcement agency
22 for criminal investigation purposes as provided in Section
23 15-27-7.

24 "(c) The circuit court shall have exclusive
25 jurisdiction of a petition filed under subsection (a) or
26 subsection (b)."

1 Section 9. (a) Any violation of Article 8 of Chapter
2 6 of Title 13A, Code of Alabama 1975, or any violation of
3 Section 13A-12-111, 13A-12-112, 13A-12-113, 13A-12-121, or
4 13A-12-121.1, Code of Alabama 1975, may only be prosecuted in
5 circuit or district court.

6 (b) Notwithstanding any provision of law to the
7 contrary, this section supersedes any law or ordinance that
8 provides for the prosecution of the offenses included in
9 subsection (a) in municipal court.

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

18 Section 11. This act shall become effective on the
19 first day of the third month following its passage and
20 approval by the Governor, or its otherwise becoming law.