

1 HB398
2 206038-1
3 By Representative Hall
4 RFD: Judiciary
5 First Read: 05-MAR-20

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8 SYNOPSIS: Under existing law, the consent of a parent
9 is required for a person intending to marry when
10 the person is at least 16 years, but under the age
11 of 18 years.

12 Existing law also provides for the crime of
13 human trafficking in the second degree.

14 This bill would amend the crime of human
15 trafficking in the second degree to provide that a
16 person commits the crime if the person knowingly
17 consents to the marriage of his or her child for
18 the purpose of subjecting the child to labor
19 servitude or sexual servitude.

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. However,
9 the bill does not require approval of a local
10 governmental entity or enactment by a 2/3 vote to
11 become effective because it comes within one of the
12 specified exceptions contained in the amendment.

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14 A BILL
15 TO BE ENTITLED
16 AN ACT

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18 Relating to human trafficking; to amend Section
19 13A-6-153, to further provide for the crime of human
20 trafficking in the second degree; and in connection therewith
21 would have as its purpose or effect the requirement of a new
22 or increased expenditure of local funds within the meaning of
23 Amendment 621 of the Constitution of Alabama of 1901, now
24 appearing as Section 111.05 of the Official Recompilation of
25 the Constitution of Alabama of 1901, as amended.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Section 13A-6-153, Code of Alabama 1975,
2 is amended to read as follows:

3 "§13A-6-153.

4 "(a) A person commits the crime of human trafficking
5 in the second degree if:

6 "(1) A person knowingly benefits, financially or by
7 receiving anything of value, from participation in a venture
8 or engagement for the purpose of sexual servitude or labor
9 servitude.

10 "(2) A person knowingly recruits, entices, solicits,
11 induces, harbors, transports, holds, restrains, provides,
12 maintains, subjects, or obtains by any means another person
13 for the purpose of labor servitude or sexual servitude.

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

25 "(4) A parent or legal guardian knowingly consents
26 to the marriage of a minor, as provided in Section 30-1-5, for

1 the purpose of subjecting the child to labor servitude or
2 sexual servitude.

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

7 ~~"(b) (c)~~ Human trafficking in the second degree is a
8 Class B felony."

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

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