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3 SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR SB207  
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8 SYNOPSIS: This bill would prohibit a person from  
9 operating a vehicle that contains a false or secret  
10 compartment, the purpose of which is to conceal,  
11 hide, or prevent discovery of a controlled  
12 substance, contraband, or a person concealed for an  
13 unlawful purpose.

14 This bill would provide criminal penalties  
15 for a violation.

16 Amendment 621 of the Constitution of Alabama  
17 of 1901, as amended by Amendment 890, now appearing  
18 as Section 111.05 of the Official Recompilation of  
19 the Constitution of Alabama of 1901, as amended,  
20 prohibits a general law whose purpose or effect  
21 would be to require a new or increased expenditure  
22 of local funds from becoming effective with regard  
23 to a local governmental entity without enactment by  
24 a 2/3 vote unless: it comes within one of a number  
25 of specified exceptions; it is approved by the  
26 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  
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15 Relating to crimes and offenses; to prohibit the  
16 operation of a vehicle that contains a false or secret  
17 compartment; to provide criminal penalties for a violation;  
18 and in connection therewith would have as its purpose or  
19 effect the requirement of a new or increased expenditure of  
20 local funds within the meaning of Amendment 621 of the  
21 Constitution of Alabama of 1901, as amended by Amendment 890,  
22 now appearing as Section 111.05 of the Official Recompilation  
23 of the Constitution of Alabama of 1901, as amended.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. (a) (1) It is unlawful for any person to  
26 operate any vehicle with knowledge that the vehicle contains a  
27 false or secret compartment.

1           (2) It is unlawful for any person to install,  
2 create, build, or fabricate in any vehicle a false or secret  
3 compartment.

4           (3) It is unlawful for any person to sell, trade, or  
5 otherwise dispose of a vehicle with knowledge that the vehicle  
6 is in violation of this section.

7           (b) (1) As used in this section, the term "false or  
8 secret compartment" means any enclosure that is integrated  
9 into or attached to a vehicle, the purpose of which enclosure  
10 is to conceal, hide, or prevent discovery of any one or more  
11 of the following by a law enforcement officer:

12           a. A person concealed for an unlawful purpose.

13           b. A controlled substance possessed in violation of  
14 Article 5, Chapter 12, Title 13A, Code of Alabama 1975.

15           c. Contraband, as defined under Section 20-2-93,  
16 Code of Alabama 1975.

17           (2) The term includes, but is not limited to, false,  
18 altered, or modified fuel tanks; original factory equipment on  
19 a vehicle that has been modified; and any compartment, space,  
20 or box that is added or attached to existing compartments,  
21 spaces, or boxes of the vehicle.

22           (3) The term does not include compartments that  
23 existed in or on the motor vehicle at the time of  
24 manufacturing, or accessories offered by the motor vehicle  
25 manufacturer, distributor, or licensed dealer.

26           (c) A legal inference of fact may be inferred that  
27 the operator of a vehicle seized in violation of this section

1 had knowledge of a false or secret compartment on the vehicle  
2 if the vehicle has a false or secret compartment to which any  
3 of the following apply:

4 (1) The compartment is concealing a person for any  
5 unlawful purpose, or there is evidence of the previous  
6 concealment of a person for an unlawful purpose.

7 (2) The compartment is concealing a controlled  
8 substance possessed in violation of Article 5, Chapter 12,  
9 Title 13A, Code of Alabama 1975, or there is evidence of the  
10 previous unlawful possession of controlled substances.

11 (3) The compartment is concealing contraband, as  
12 defined under Section 20-2-93, Code of Alabama 1975, or there  
13 is evidence of the previous concealment of contraband.

14 (d) Any vehicle seized under this section shall be  
15 deemed contraband and may be forfeited pursuant to Section  
16 20-2-93, Code of Alabama 1975.

17 (e) (1) Except as provided in subdivision (2), any  
18 person who violates this section shall be guilty of a Class A  
19 misdemeanor.

20 (2) A person who violates subdivision (c) (1) shall  
21 be guilty of a Class B felony.

22 (3) Any person who violates this section shall be  
23 required to pay a fine of not more than sixty thousand dollars  
24 (\$60,000).

25 Section 2. Although this bill would have as its  
26 purpose or effect the requirement of a new or increased  
27 expenditure of local funds, the bill is excluded from further

1 requirements and application under Amendment 621, as amended  
2 by Amendment 890, now appearing as Section 111.05 of the  
3 Official ReCompilation of the Constitution of Alabama of 1901,  
4 as amended, because the bill defines a new crime or amends the  
5 definition of an existing crime.

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