

1 SB207
2 214852-2
3 By Senators Singleton and Orr
4 RFD: Judiciary
5 First Read: 10-FEB-22

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

14
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 Section 13A-12-211 or 13A-12-212, 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 (c) A legal inference of fact may be inferred that
23 the operator of a vehicle seized in violation of this section
24 had knowledge of a false or secret compartment on the vehicle
25 if the vehicle has a false or secret compartment to which any
26 of the following apply:

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

4 (2) The compartment is concealing a controlled
5 substance possessed in violation of Section 13A-12-211 or
6 13A-12-212, Code of Alabama 1975, or there is evidence of the
7 previous unlawful possession of controlled substances.

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

11 (d) Any vehicle seized under this section shall be
12 deemed contraband and may be forfeited pursuant to Section
13 20-2-93, Code of Alabama 1975.

14 (e) Any person who violates this section, upon
15 conviction, shall be guilty of a Class A misdemeanor.

16 Section 2. Although this bill would have as its
17 purpose or effect the requirement of a new or increased
18 expenditure of local funds, the bill is excluded from further
19 requirements and application under Amendment 621, as amended
20 by Amendment 890, now appearing as Section 111.05 of the
21 Official Recompilation of the Constitution of Alabama of 1901,
22 as amended, because the bill defines a new crime or amends the
23 definition of an existing crime.

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