

House Judiciary Engrossed Substitute for HB4



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A BILL
TO BE ENTITLED
AN ACT

Relating to crimes and offenses; to make it unlawful for certain individuals to require another individual to be implanted with a microchip; to provide criminal penalties; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Section 111.05 of the Constitution of Alabama of 2022.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) For the purposes of this section, the following terms have the following meanings:

(1) MICROCHIP. A device subcutaneously implanted in an individual that is passively or actively capable of transmitting personal information to another device using radio frequency technology. The term does not include any device used in the diagnosis, monitoring, treatment, or prevention of a health condition that only transmits information necessary to carry out the diagnosis, monitoring, treatment, or prevention of that health condition. **This term does not include any device, including an ankle monitor, used**



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29 to track an inmate on parole or early release by the Board of
30 Pardons of Paroles.

31 (2) VOLUNTARILY. Performed consciously as a result of
32 effort or determination and without an incentive, inducement,
33 or coercion.

34 (b) (1) It is unlawful for an employer, as a condition
35 of employment, to require an employee to be implanted with a
36 microchip or other permanent identification marker.

37 (2) It is unlawful for any of the following individuals
38 to require another individual to be implanted with a microchip
39 or other permanent identification marker:

40 a. An officer or employee of this state or a political
41 subdivision of this state.

42 b. An individual licensed to sell or provide insurance
43 pursuant to Title 27, Code of Alabama 1975.

44 c. An individual licensed to participate in a business
45 related to bail pursuant to the Alabama Bail Bond Regulatory
46 Act, Article 8, commencing with Section 15-13-200 of Chapter
47 13, Title 15, Code of Alabama 1975.

48 (c) This section may not be construed to prohibit
49 either of the following:

50 (1) An individual from voluntarily electing to be
51 implanted with a microchip or other permanent identification
52 marker.

53 (2) The Bureau of Pardons and Paroles from using a
54 device to monitor an inmate on parole or early release.

55 (d) An individual who violates this section is guilty
56 of a Class D felony.



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57 Section 2. Although this bill would have as its purpose
58 or effect the requirement of a new or increased expenditure of
59 local funds, the bill is excluded from further requirements
60 and application under Section 111.05 of the Constitution of
61 Alabama of 2022, because the bill defines a new crime or
62 amends the definition of an existing crime.

63 Section 3. The Board of Pardons and Paroles shall
64 promulgate rules and policies governing microchipping
65 insertion, maintenance, and timely removal.

66 Section 4. This act shall become effective on the first
67 day of the third month following its passage and approval by
68 the Governor, or its otherwise becoming law.