

HB42 INTRODUCED



1 HB42
2 P9TOGE-1
3 By Representative Givens
4 RFD: Judiciary
5 First Read: 06-Feb-24
6 PFD: 12-Jan-24



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SYNOPSIS:

Under existing law, human trafficking in the first degree is a Class A felony.

This bill would provide that if the victim of human trafficking is a minor, the defendant shall be sentenced to a minimum of life imprisonment.

Section 111.05 of the Constitution of Alabama of 2022, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the affected entity; or the Legislature appropriates funds, or provides a local source of revenue, to the entity for the purpose.

The purpose or effect of this bill would be to require a new or increased expenditure of local funds within the meaning of the amendment. However, the bill does not require approval of a local governmental entity or enactment by a 2/3 vote to become effective because it comes within one of the specified exceptions contained in the amendment.



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29 A BILL
30 TO BE ENTITLED
31 AN ACT

32
33 Relating to crimes and offenses; to amend Section
34 13A-6-152, Code of Alabama 1975, to further provide for the
35 punishment of certain human trafficking offenses under certain
36 conditions; and in connection therewith would have as its
37 purpose or effect the requirement of a new or increased
38 expenditure of local funds within the meaning of Section
39 111.05 of the Constitution of Alabama of 2022.

40 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

41 Section 1. This act shall be known and may be cited as
42 the Sound of Freedom Act.

43 Section 2. Section 13A-6-152, Code of Alabama 1975, is
44 amended to read as follows:

45 "§13A-6-152

46 (a) A person commits the crime of human trafficking in
47 the first degree if:

48 (1) He or she knowingly subjects another person to
49 labor servitude or sexual servitude.

50 (2) He or she knowingly obtains, recruits, entices,
51 solicits, induces, threatens, isolates, harbors, holds,
52 restrains, transports, provides, or maintains any minor for
53 the purpose of causing a minor to engage in sexual servitude.

54 (3) He or she knowingly gives monetary consideration or
55 any other thing of value to engage in any sexual conduct with
56 a minor or an individual he or she believes to be a minor.



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57 (b) For purposes of this section, it is not required
58 that the defendant have knowledge of a minor victim's age, nor
59 is reasonable mistake of age a defense to liability under this
60 section.

61 (c) A corporation, or any other legal entity other than
62 an individual, may be prosecuted for human trafficking in the
63 first degree for an act or omission only if an agent of the
64 corporation or entity performs the conduct which is an element
65 of the crime while acting within the scope of his or her
66 office or employment and on behalf of the corporation or
67 entity, and the commission of the crime was either authorized,
68 requested, commanded, performed, or within the scope of the
69 person's employment on behalf of the corporation or entity or
70 constituted a pattern of conduct that an agent of the
71 corporation or entity knew or should have known was occurring.

72 (d) Any person who obstructs, or attempts to obstruct,
73 or in any way interferes with or prevents the enforcement of
74 this section shall be guilty of a Class A felony.

75 (e) Human trafficking in the first degree is a Class A
76 felony. In any prosecution under this section where there is a
77 minor trafficking victim, the court shall sentence the
78 defendant to a minimum of life imprisonment."

79 Section 3. Although this bill would have as its purpose
80 or effect the requirement of a new or increased expenditure of
81 local funds, the bill is excluded from further requirements
82 and application under Section 111.05 of the Constitution of
83 Alabama of 2022, because the bill defines a new crime or
84 amends the definition of an existing crime.



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85 Section 4. This act shall become effective October 1,
86 2024.