



**House Public Safety and Homeland Security Reported
Substitute for SB89**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

A BILL
TO BE ENTITLED
AN ACT

Relating to crimes and offenses; to amend Section 13A-11-9, Code of Alabama 1975, as last amended by Act 2023-245 of the 2023 Regular Session; to further provide for the crime of loitering; to provide criminal penalties for violations; 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. Section 13A-11-9, Code of Alabama 1975, as last amended by Act 2023-245, 2023 Regular Session, is amended to read as follows:

"§13A-11-9

(a) A person commits the crime of loitering if he or she does any of the following:

(1) Loiters, remains, or wanders about in a public place for the purpose of begging.

(2) Loiters or remains in a public place for the purpose of gambling.



**House Public Safety and Homeland Security Reported
Substitute for SB89**

29 (3) Loiters or remains in a public place for the
30 purpose of engaging or soliciting another person to engage in
31 prostitution or sodomy.

32 (4) Being masked, loiters, remains, or congregates in a
33 public place.

34 (5) Loiters or remains in or about a school, college,
35 or university building or grounds after having been told to
36 leave by any authorized official of the school, college, or
37 university, not having any reason or relationship involving
38 custody of or responsibility for a pupil or any other
39 specific, legitimate reason for being there, and not having
40 written permission from a school, college, or university
41 administrator.

42 (6) Loiters or remains in any transportation facility,
43 unless specifically authorized to do so, for the purpose of
44 soliciting or engaging in any business, trade, or commercial
45 transactions involving the sale of merchandise or services.

46 (7) Loiters or remains in any place with one or more
47 persons for the purpose of unlawfully using or possessing a
48 dangerous drug.

49 (8) Loiters or remains on a public roadway maintained
50 by the state ~~or~~, the right-of-way of a public roadway
51 maintained by the state, or any area within 30 feet of any
52 interchange involving a controlled-access or limited-access
53 highway. An "interchange" is defined as a system of
54 interconnecting roadways providing for traffic movement
55 between two or more roadways that do not intersect at grade.

56 (b) A person does not commit a crime under subdivision



**House Public Safety and Homeland Security Reported
Substitute for SB89**

57 (a) (4) if he or she is going to or from or staying at a
58 masquerade party, or is participating in a public parade or
59 presentation of an educational, religious, or historical
60 character or in an event as defined in Section 13A-11-140.

61 (c) Sodomy in subdivision (a) (3) is defined as in
62 Section 13A-6-60.

63 (d) Dangerous drug in subdivision (a) (7) means any
64 narcotic, drug, or controlled substance as defined in Chapter
65 2 of Title 20 and any schedule incorporated therein.

66 (e) Loitering is a violation. A second or subsequent
67 violation of this section in the same jurisdiction is a Class
68 C misdemeanor.

69 (f) (1) Prior to making an arrest for a violation of
70 subdivision ~~(a) (1)~~ (a) (8), a law enforcement officer may
71 instruct any person in violation of subdivision ~~(a) (1)~~ (a) (8)
72 to immediately and peaceably exit the public roadway
73 maintained by the state or the right-of-way of the public
74 roadway maintained by the state.

75 (2)a. Prior to making an arrest for an initial
76 violation of subdivision ~~(a) (1)~~ (a) (8), a law enforcement
77 officer may offer to transport any person in violation of
78 subdivision ~~(a) (1)~~ (a) (8) to a location in the jurisdiction
79 that offers emergency housing, if applicable.

80 b. If a person accepts an offer made pursuant to
81 subdivision (1), a law enforcement officer may transport the
82 person accordingly.

83 (g) Any actions undertaken by a law enforcement officer
84 pursuant to this section shall be subject to Section 36-1-12."



**House Public Safety and Homeland Security Reported
Substitute for SB89**

85 Section 2. Although this bill would have as its purpose
86 or effect the requirement of a new or increased expenditure of
87 local funds, the bill is excluded from further requirements
88 and application under Section 111.05 of the Constitution of
89 Alabama of 2022, because the bill defines a new crime or
90 amends the definition of an existing crime.

91 Section 3. This act shall become effective on June 1,
92 2024.