

HB559 ENGROSSED



1 HB559
2 FK1SL5D-2
3 By Representative Kiel
4 RFD: Public Safety and Homeland Security
5 First Read: 10-Apr-25



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A BILL

TO BE ENTITLED

AN ACT

Relating to crimes and offenses; to amend Section 13A-11-9, Code of Alabama 1975; to further provide exemptions to the crime of loitering; and to authorize each local board of education and each public institution of higher education to adopt and enforce policies relating to the usage of masks on campus.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 13A-11-9, Code of Alabama 1975, 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.

(3) Loiters or remains in a public place for the purpose of engaging or soliciting another person to engage in prostitution or sodomy, as defined in Section 13A-6-60.

(4) ~~Being~~ While being masked, loiters, remains, or



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congregates in a public place.

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

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

(7) Loiters or remains in any place with one or more persons for the purpose of unlawfully using or possessing a dangerous drug. For purposes of this subdivision, "dangerous drug" means any narcotic drug or controlled substance as defined in Section 20-2-2.

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

(b) A person does not commit a crime under subdivision (a) (4) if he or she is ~~going~~ doing any of the following:

(1) Going to or from or staying at a masquerade party,



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57 ~~or is participating.~~

58 (2) Participating in a public parade or presentation of
59 an educational, religious, or historical character or in an
60 event as defined in Section 13A-11-140.

61 (3)a. Wearing a medical or surgical grade mask during
62 any protest, demonstration, or other public assembly for the
63 purpose of complying with documented guidance of his or her
64 health care provider, or to comply with a state of emergency
65 declared by this state or the federal government, to prevent
66 the spread of infectious disease. A law enforcement officer
67 may require an individual wearing a mask under such
68 circumstances to produce documented medical guidance to
69 substantiate the applicability of this exemption.

70 b. On the request of a law enforcement officer, the
71 owner of the property, or a representative of the owner of the
72 property where the wearer is present during the circumstances
73 described in paragraph a., the individual shall remove his or
74 her mask for the purpose of the identification of the wearer.

75 ~~(c) Sodomy in subdivision (a) (3) is defined as in~~
76 ~~Section 13A-6-60.~~

77 ~~(d) Dangerous drug in subdivision (a) (7) means any~~
78 ~~narcotic, drug, or controlled substance as defined in Chapter~~
79 ~~2 of Title 20 and any schedule incorporated therein.~~

80 ~~(e)~~ (c) (1) Loitering is a violation.

81 (2) A second or subsequent violation of this section in
82 the same jurisdiction is a Class C misdemeanor.

83 ~~(f)~~ (d) (1) Prior to making an arrest for a violation of
84 subdivision (a) (8), a law enforcement officer may instruct any



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85 person in violation of subdivision (a)(8) to immediately and
86 peaceably exit the public roadway maintained by the state or
87 the right-of-way of the public roadway maintained by the
88 state.

89 (2)a. Prior to making an arrest for an initial
90 violation of subdivision (a)(8), a law enforcement officer may
91 offer to transport any person in violation of subdivision
92 (a)(8) to a location in the jurisdiction that offers emergency
93 housing, if applicable.

94 b. If a person accepts an offer made pursuant to
95 subdivision (1), a law enforcement officer may transport the
96 person accordingly.

97 ~~(g)~~ (e) Any actions undertaken by a law enforcement
98 officer pursuant to this section shall be subject to Section
99 36-1-12."

100 Section 2. (a) Each local board of education may
101 establish broader or more restrictive policies, rules,
102 directives, or guidelines related to the use of masks during
103 any protest, demonstration, or other public assembly on
104 property owned by or under the control of the board of
105 education.

106 (b) A local board of education may impose
107 administrative discipline for a violation of a policy, rule,
108 directive, or guideline adopted under subsection (a), but the
109 violation may not serve as a basis for a criminal charge under
110 Section 13A-11-9, Code of Alabama 1975.

111 Section 3. (a) The governing body of each public
112 two-year or four-year institution of higher education may



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113 establish broader or more restrictive policies, rules,
114 directives, or guidelines related to the use of masks during
115 any protest, demonstration, or other public assembly on
116 property owned by or under the control of the public
117 institution of higher education.

118 (b) The governing body of a public two-year or
119 four-year institution of higher education may impose
120 administrative discipline for a violation of a policy, rule,
121 directive, or guideline adopted under subsection (a), but the
122 violation may not serve as a basis for a criminal charge under
123 Section 13A-11-9, Code of Alabama 1975.

124 Section 4. This act shall become effective on October
125 1, 2025.



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House of Representatives

129 Read for the first time and referred10-Apr-25
130 to the House of Representatives
131 committee on Public Safety and
132 Homeland Security
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134 Read for the second time and placed17-Apr-25
135 on the calendar:
136 2 amendments
137
138 Read for the third time and passed29-Apr-25
139 as amended
140 Yeas 74
141 Nays 22
142 Abstains 7
143
144
145 John Treadwell
146 Clerk
147