

HB168 INTRODUCED



1 HB168
2 SLKUY77-1
3 By Representative Kiel
4 RFD: Public Safety and Homeland Security
5 First Read: 13-Jan-26



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4 SYNOPSIS:

5 Under existing law, loitering is a crime
6 committed when a person unlawfully loiters, remains, or
7 wanders about a specified place for a prohibited
8 purpose. The crime is also committed when a masked
9 person loiters, remains, or congregates in a public
10 place.

11 Existing law specifies that the crime is not
12 committed when the person is participating in a
13 masquerade event or participating in a public parade
14 presentation or an educational, religious, or
15 historical event.

16 This bill would further provide for the
17 exemption by including wearing a surgical or medical
18 mask while participating in a protest, demonstration,
19 or other public assembly, provided the use of the mask
20 is to mitigate the spread of an infectious disease.

21 This bill would also allow local boards of
22 education and public institutions of higher education
23 to adopt and enforce mask policies on their respective
24 campuses.

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27 A BILL
28 TO BE ENTITLED



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AN ACT

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31 Relating to crimes and offenses; to amend Section
32 13A-11-9, Code of Alabama 1975; to further provide exemptions
33 to the crime of loitering; and to authorize each local board
34 of education and each public institution of higher education
35 to adopt and enforce policies relating to the usage of masks
36 on campus.

37 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

38 Section 1. Section 13A-11-9, Code of Alabama 1975, is
39 amended to read as follows:

40 "§13A-11-9

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

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

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

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

50 (4) ~~Being~~While being masked, loiters, remains, or
51 congregates in a public place.

52 (5) Loiters or remains in or about a school, college,
53 or university building or grounds after having been told to
54 leave by any authorized official of the school, college, or
55 university, not having any reason or relationship involving
56 custody of or responsibility for a pupil or any other

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57 specific, legitimate reason for being there, and not having
58 written permission from a school, college, or university
59 administrator.

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

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

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

76 (b) A person does not commit a crime under subdivision
77 (a) (4) if he or she is goingdoing any of the following:
78 (1) Going to or from or staying at a masquerade party~~or~~
79 ~~or is participating.~~

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

83 (3) a. Wearing a medical or surgical grade mask during
84 any protest, demonstration, or other public assembly for the



85 purpose of complying with documented guidance of his or her
86 health care provider to prevent the spread of infectious
87 disease. A law enforcement officer may require an individual
88 wearing a mask under such circumstances to produce documented
89 medical guidance to substantiate the applicability of this
90 exemption.

91 b. On the request of a law enforcement officer or a
92 representative of the owner of the property where the wearer
93 is present during the circumstances described in paragraph a.,
94 the individual shall remove his or her mask for the purpose of
95 the identification of the wearer.

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

98 (d) ~~Dangerous drug in subdivision (a)(7) means any~~
99 ~~narcotic, drug, or controlled substance as defined in Chapter~~
100 ~~2 of Title 20 and any schedule incorporated therein.~~

101 (e) (c)(1) Loitering is a violation.

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

104 (f) (d)(1) Prior to making an arrest for a violation of
105 subdivision (a)(8), a law enforcement officer may instruct any
106 person in violation of subdivision (a)(8) to immediately and
107 peaceably exit the public roadway maintained by the state or
108 the right-of-way of the public roadway maintained by the
109 state.

110 (2)a. Prior to making an arrest for an initial
111 violation of subdivision (a)(8), a law enforcement officer may
112 offer to transport any person in violation of subdivision



113 (a) (8) to a location in the jurisdiction that offers emergency
114 housing, if applicable.

115 b. If a person accepts an offer made pursuant to
116 subdivision (1), a law enforcement officer may transport the
117 person accordingly.

118 ~~(g)~~ (e) Any actions undertaken by a law enforcement
119 officer pursuant to this section shall be subject to Section
120 36-1-12."

121 Section 2. (a) Each local board of education may
122 establish broader or more restrictive policies, rules,
123 directives, or guidelines related to the use of masks during
124 any protest, demonstration, or other public assembly on
125 property owned by or under the control of the board of
126 education.

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

132 Section 3. (a) The governing body of each public
133 two-year or four-year institution of higher education may
134 establish broader or more restrictive policies, rules,
135 directives, or guidelines related to the use of masks during
136 any protest, demonstration, or other public assembly on
137 property owned by or under the control of the public
138 institution of higher education.

139 (b) The governing body of a public two-year or
140 four-year institution of higher education may impose

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141 administrative discipline for a violation of a policy, rule,
142 directive, or guideline adopted under subsection (a), but the
143 violation may not serve as a basis for a criminal charge under
144 Section 13A-11-9, Code of Alabama 1975.

145 Section 4. This act shall become effective on October
146 1, 2026.