

HB168 INTRODUCED



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



SYNOPSIS:

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

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

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

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

A BILL
TO BE ENTITLED



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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 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



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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~~7~~
~~or is participating.~~

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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

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

(b) The governing body of a public two-year or 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.