

## **Alabama State Report State Ratings 2014**

The Polaris annual state ratings process tracks the presence or absence of 10 categories of state statutes that Polaris believes are critical to a comprehensive anti-trafficking legal framework. It is important to note that these 10 categories are not exhaustive of all the important legislation that helps combat human trafficking in a given state. Moreover, the ratings do not assess the effectiveness or implementation of these laws, nor the anti-trafficking efforts of task forces, law enforcement, prosecutors, judges, service providers, and advocates in the state. The purpose of the annual state ratings process is to document laws on the books, to motivate legislators and policy advocates, and to focus the attention of states on the statutes that still need to be enacted in order to achieve a strong anti-trafficking legal framework.

**Rating:** Tier One (green)

**Total Points:** 8

**Credited Categories:** 1 Sex Trafficking; 2 Labor Trafficking; 3(a) Asset Forfeiture; 4(b) Human Trafficking Task Force; 5 No Requirement of Force, Fraud, or Coercion for Sex Trafficking of Minors; 6 Posting of a Hotline; 8 Victim Assistance; and 9 Civil Remedy.

**Categories Still Needed:** 3(b) Investigative Tools; 4(a) Training for Law Enforcement; 7 Safe Harbor for Minors; and 10 Vacating Convictions

**Category By Category Break-Down:**

### **Category 1: Sex Trafficking Statute**

#### **§ 13A-6-152: Human Trafficking in the First Degree**

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

- (1) He or she knowingly subjects another person to labor servitude or sexual servitude through use of coercion or deception.
- (2) He or she knowingly obtains, recruits, entices, solicits, induces, threatens, isolates, harbors, holds, restrains, transports, provides, or maintains any minor for the purpose of causing a minor to engage in sexual servitude.
- (3) For purposes of this section, it is not required that the defendant have knowledge of a minor victim's age, nor is reasonable mistake of age a defense to liability under this section.
- (4) A corporation, or any other legal entity other than an individual, may be prosecuted for human trafficking in the first degree for an act or omission only if an agent of the corporation or entity performs the conduct which is an element of the crime while acting within the scope of his or her office or employment and on behalf of the corporation or entity, and the commission of the crime was either authorized, requested, commanded, performed, or within the scope of the person's employment on behalf of the corporation or entity or constituted a pattern of conduct that an agent of the corporation or entity knew or should have known was occurring.



- (5) Any person who obstructs, or attempts to obstruct, or in any way interferes with or prevents the enforcement of this section shall be guilty of a Class C felony.
- (b) Human trafficking in the first degree is a Class A felony.

**§ 13A-6-153: Human Trafficking in the Second Degree**

- (a) A person commits the crime of human trafficking in the second degree if:
- (1) A person knowingly benefits, financially or by receiving anything of value, from participation in a venture or engagement for the purpose of sexual servitude or labor servitude.
  - (2) A person knowingly recruits, entices, solicits, induces, harbors, transports, holds, restrains, provides, maintains, subjects, or obtains by any means another person for the purpose of labor servitude or sexual servitude.
  - (3) A corporation, or any other legal entity other than an individual, may be prosecuted for human trafficking in the second degree for an act or omission only if an agent of the corporation or entity performs the conduct which is an element of the crime while acting within the scope of his or her office or employment and on behalf of the corporation or entity, and the commission of the crime was either authorized, requested, commanded, performed, or within the scope of the person's employment on behalf of the corporation or entity or constituted a pattern of conduct that an agent of the corporation or entity knew or should have known was occurring.
  - (4) Any person who obstructs, or attempts to obstruct, or in any way interferes with or prevents the enforcement of this section shall be guilty of a Class A misdemeanor.
- (b) Human trafficking in the second degree is a Class B felony.

**Category 2: Labor Trafficking Statute**

Yes. See § 13A-6-152.

**Category 3(a): Asset Forfeiture**

**§ 13A-6-156:** Forfeiture of profits or proceeds and interest in property.

A person who commits the offense of human trafficking in the first degree or human trafficking in the second degree shall forfeit to the State of Alabama any profits or proceeds and any interest in property that he or she has acquired or maintained that the sentencing court determines to have been acquired or maintained as a result of committing human trafficking in the first degree or human trafficking in the second degree. Any assets seized shall first be used to pay restitution to trafficking victims and subsequently to pay any damages awarded to victims in a civil action. Any remaining assets shall go toward the cost of the investigation and prosecution and the remaining assets shall be remitted to funding the Alabama Crime Victims Compensation Fund.

**Category 3(b): Investigative Tools**

None.



#### **Category 4(a): Training for Law Enforcement**

None.

#### **Category 4(b): Human Trafficking Task Force**

##### **AL HJR 270 (2014) – Alabama Human Trafficking Task Force**

ESTABLISHING THE ALABAMA HUMAN TRAFFICKING TASK FORCE.

WHEREAS, human trafficking is the second largest criminal activity in the world, exceeded only by drug trafficking; and WHEREAS, human trafficking enslaves hundreds of thousands of victims each year; and WHEREAS, human trafficking involves the use of force, fraud, or coercion by traffickers to recruit or capture and also control their victims; now therefore, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Human Trafficking Task Force is hereby established.

The purpose and agenda of the Task Force shall include all of the following:

- (1) To combat all aspects of human trafficking, including sex trafficking and labor trafficking.
- (2) To pursue a comprehensive response to crimes of human trafficking.
- (3) To coordinate strategies to provide necessary services for victims of human trafficking.
- (4) To focus prevention efforts to end the demand for human trafficking and create awareness through education and community initiatives.
- (5) To develop legislation to prevent, intervene, and treat human trafficking.

The Alabama Human Trafficking Task Force shall be comprised of the following members:

- (1) One member of the House of Representatives appointed by the Speaker of the House of Representatives.
- (2) One member of the Senate appointed by the Senate President Pro Tempore.
- (3) One member of the Legal, Legislative, or Policy Office of the Alabama Governor appointed by the Governor.
- (4) One member of the Office of Victim Assistance of the Alabama Attorney General appointed by the Attorney General.
- (5) The Chair of the Huntsville/Madison County Human Trafficking Task Force, or his or her designee.
- (6) The Chair of the Central Alabama Human Trafficking Task Force, or his or her designee.
- (7) The Commissioner of the Alabama Department of Human Resources, or his or her designee.
- (8) The Commissioner of the Alabama Department of Agriculture and Industries, or his or her designee
- (9) The Commissioner of the Alabama Department of Labor, or his or her designee.
- (10) The Chief of the Alabama Bureau of Investigation, or his or her designee.
- (11) The Director of the Alabama Office of Prosecution Services, or his or her designee.
- (12) The President of the Alabama District Attorney's Association, or his or her designee.
- (13) The Director of the Alabama Department of Child Abuse and Neglect Prevention, or his or her designee.



(14) The Director of the Alabama Network of Children's Advocacy Centers, or his or her designee.

(15) The Superintendent of the Alabama State Department of Education, or his or her designee.

The members of the Task Force shall elect a chair, vice chair, and other officers as deemed necessary for the efficient operation of the business of the Task Force. Each member shall serve at the pleasure of his or her appointing authority. A vacancy in the membership shall be filled in the same manner as the original appointment. The members of the Task Force shall meet at least four times per calendar year and serve without compensation. The Task Force shall hold its initial meeting no later than June 1, 2014, and shall meet thereafter according to a schedule established by the members. Special meetings shall be held at the call of the chair or a quorum of the members of the Task Force. The chair or other members of the Task Force calling the meeting shall give at least seven days' notice of all regular or special meetings, which shall include the place and time of the meeting. A majority of the members of the Task Force shall constitute a quorum for the transaction of all business at a regular or special meeting. The Task Force shall submit an annual report of its findings and recommendations to the Governor, the Lieutenant Governor, the Attorney General, the Senate President Pro Tempore, and the Speaker of the House of Representatives on or before January 1 of each calendar year, and shall submit a copy of its report to all legislators and the Secretary of State. Each department, commission, board, agency, officer, and institution of the state and all subdivisions of the state shall cooperate with the Task Force in carrying out the purposes of this resolution.

#### **Category 5: No Requirement of Force, Fraud, or Coercion for Sex Trafficking of Minors**

Yes. See § 13A-6-152.

#### **Category 6: Posting of a Human Trafficking Hotline**

##### **§ 13A-6-170: Posting of National Human Trafficking Resource Center Hotline in certain establishments.**

(a) All persons owning any establishment that requires a liquor license or alcoholic beverage license, and that does not also have a food or beverage permit, or both; any hotel that has been cited as a nuisance as defined in Sections 13A-12-110 to 13A-12-122, inclusive, of the Code of Alabama 1975; any massage parlor where an employee has been cited with violating Section 45-13-41, or where the establishment has been cited as a nuisance as defined in Section 6-5-140; any airport, train station, or bus station; and any business that provides entertainment commonly called stripteasing or topless entertaining or entertainment that has employees who are not clad both above and below the waist shall post in a location conspicuous to the public at the entrance of the business or where such posters and notices are customarily posted, a poster of no smaller than 8 1/2 by 11 inches in size that states the following: "If you or someone you know is being forced to engage in any activity and cannot leave - whether it is commercial sex, housework, farm work, or any other activity - call the National Human Trafficking Resource Center Hotline at 1-888-373-7888 to access help and services.

"(1) Victims of human trafficking are protected under U.S. law.

"(2) The Toll-free Hotline is:

"a. Available 24 hours a day, 7 days a week.



- "b. Operated by a nonprofit, nongovernmental organization.
  - "c. Anonymous and confidential.
  - "d. Accessible in 170 languages.
  - "e. Able to provide help, referral to services, training, and general information." This subsection shall not apply to businesses providing entertainment in theaters, concert halls, art centers, museums, or similar establishments that are devoted primarily to the arts or theatrical performances, when the performances that are presented are expressing matters of serious literary, artistic, scientific, or political value.
- (b) The poster shall be available on the Internet website of all of the following:
- (1) The Alabama Alcoholic Beverage Control Board where documents associated with obtaining a liquor license or alcoholic beverage license are customarily located.
  - (2) The Alabama Public Service Commission.
  - (3) The Alabama Department of Labor.
- (c) The owners shall print the poster from any of the Internet websites in subsection (b) or ask that the poster be mailed for the cost of printing and first class postage and post the sign in compliance with subsection (a).
- (d) The Alcoholic Beverage Control Board, the Public Service Commission, and the Department of Labor shall post the sign on its Internet site in English, Spanish, and any other language deemed appropriate by the Commissioner of Labor. The owners shall obtain and post the posters in English, Spanish, and any other languages deemed appropriate by the Commissioner of Labor.
- (e) The Alcoholic Beverage Control Board, the Public Service Commission, and the Department of Labor shall provide each applicable business or establishment with notice of mandatory compliance of this section.
- (f) A person who violates this section shall be subject to a warning on the first violation and a fine not to exceed fifty dollars (\$50.00) for each subsequent violation. The violation or noncompliance with this section, and each day's continuance thereof, shall constitute a separate and distinct violation.

### **Category 7: Safe Harbor**

None.

### **Category 8: Victim Assistance**

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- (5) To develop legislation to prevent, intervene, and treat human trafficking.



### **Category 9: Civil Remedy**

#### **§ 13A-6-157. Civil action by victim; relief awarded.**

An individual who is a victim of human trafficking may bring a civil action in the appropriate state court. The court may award actual damages, compensatory damages, punitive damages, injunctive relief, and any other appropriate relief. A prevailing plaintiff shall also be awarded attorney's fees and costs. Treble damages shall be awarded on proof of actual damages where defendant's acts were willful and malicious.

### **Category 10: Vacating Convictions**

None.

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If you would like assistance in enacting laws to fill in the gaps, please contact the Polaris Policy Program at [policy@polarisproject.org](mailto:policy@polarisproject.org).