



ALABAMA

Legal System	Constitution	Bill of Rights	Form of Government
Common Law Statutory Law	Written	Yes	Republic

A. Criminal Statutes

1. Human Trafficking and Related Offenses

a. Ala. Code § 13A-6-152 (2018) – Human Trafficking in the First Degree

i. Summary

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.
- (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) He or she knowingly gives monetary consideration or any other thing of value to engage in any sexual conduct with a minor or an individual he or she believes to be a minor.

Ala. Code § 13A-6-152(a).

“Human trafficking in the first degree is a Class A felony.” Ala. Code § 13A-6-152(e).

“Any person who obstructs, or attempts to obstruct, or in any way interferes with or prevents the enforcement of this section [human trafficking in the first degree]” shall be guilty of a Class A felony. Ala. Code § 13A-6-152(d).

“[I]t 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.” Ala. Code § 13A-6-152(b).

Certain evidence is not a defense in a prosecution for human trafficking and does not preclude a finding of a violation:

- (1) A human trafficking victim’s sexual history or history of commercial sexual activity.
- (2) A human trafficking victim’s connection by blood or marriage to a defendant in the case or to anyone involved in the victim’s trafficking.
- (3) Consent of or permission by a victim of human trafficking or anyone else on the victim’s behalf to any commercial sex act or sexually explicit performance.
- (4) Age of consent to sex, an act defined by paragraph b. of subdivision (7) of Section 13A-6-151 of the definition for sexual servitude, legal age of marriage, or other discretionary age.
- (5) Mistake as to the human trafficking victim’s age, even if the mistake is reasonable.

Ala. Code § 13A-6-154.

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.

Ala. Code § 13A-6-152(c).

ii. Sentencing

The sentence for a Class A felony shall be imprisonment for life or between 10 to 99 years. Ala. Code § 13A-5-6(a). A fine of up to USD 60,000 may also be imposed. Ala. Code § 13A-5-11(a). In addition, where a person is convicted of a Class A felony sex offense involving a child below the age of 12, “the sentencing judge shall impose an additional penalty of not less than 10 years of post-release supervision” Ala. Code § 13A-5-6(c).

In addition to any other penalty, a person convicted of human trafficking shall pay a fine of USD 500, to be credited to the Alabama Crime Victims Compensation Fund and used to compensate victims of prostitution and human trafficking. Ala. Code § 13A-12-125.

A person convicted of human trafficking must “pay mandatory restitution to the victim, prosecutorial, or law enforcement entity.” Ala. Code § 13A-6-155(a).

iii. Statute of Limitations

Pursuant to Alabama Code § 15-3-1, felonies generally have a statute of limitations of five years. Ala. Code §§ 15-3-1, 13A-6-158. There is no statute of limitations for human trafficking for sexual servitude involving a victim under 16 years of age. Ala. Code § 15-3-5(a)(4).

b. Ala. Code § 13A-6-153 (2018) – Human Trafficking in the Second Degree

i. Summary

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.

Ala. Code § 13A-6-153(a).

“Human trafficking in the second degree is a Class B felony.” Ala. Code § 13A-6-153(b).

“Any person who obstructs, or attempts to obstruct, or in any way interferes with or prevents the enforcement of this section [human trafficking in the second degree] shall be guilty of a Class B felony.” Ala. Code § 13A-6-153(a)(4).

Certain evidence is not a defense in a prosecution for human trafficking and does not preclude a finding of a violation:

- (1) A human trafficking victim’s sexual history or history of commercial sexual activity.

- (2) A human trafficking victim’s connection by blood or marriage to a defendant in the case or to anyone involved in the victim’s trafficking.
- (3) Consent of or permission by a victim of human trafficking or anyone else on the victim’s behalf to any commercial sex act or sexually explicit performance.
- (4) Age of consent to sex, an act defined by paragraph b. of subdivision (7) of Section 13A-6-151 of the definition for sexual servitude, legal age of marriage, or other discretionary age.
- (5) Mistake as to the human trafficking victim’s age, even if the mistake is reasonable.

Ala. Code § 13A-6-154.

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.

Ala. Code § 13A-6-153(a)(3).

ii. Sentencing

A sentence for a Class B felony shall be for imprisonment for two to 20 years. Ala. Code § 13A-5-6(a)(2). A fine of up to USD 30,000 may also be imposed. Ala. Code § 13A-5-11(a)(2).

In addition to any other penalty, a person convicted of human trafficking shall pay a fine of USD 500, to be credited to the Alabama Crime Victims Compensation Fund and used to compensate victims of prostitution and human trafficking. Ala. Code § 13A-12-125.

A person convicted of human trafficking must “pay mandatory restitution to the victim, prosecutorial, or law enforcement entity.” Ala. Code § 13A-6-155.

iii. Statute of Limitations

Pursuant to Alabama Code § 15-3-1, felonies generally have a statute of limitations of five years. There is no statute of limitations for human trafficking for sexual servitude involving a victim under 16 years of age. Ala. Code § 15-3-5(a)(4).

c. Ala. Code § 13A-6-156 (2010) – Forfeiture

Individuals who commit the offense of human trafficking in the first or second degree shall forfeit to the state any profits or proceeds and any interest in property that they acquired or maintained as a result of the offense. “Any assets seized will first be used to pay restitution to trafficking victims and subsequently to pay damages awarded to victims in a civil action [lawsuit]. 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.” Ala. Code § 13A-6-156.

d. Ala. Code § 13A-6-159 (2010) – Affirmative Defense

A human trafficking victim has an affirmative defense in a prosecution for prostitution or sexually explicit performance done as a result of labor or sexual servitude. See Ala. Code § 13A-6-159.

e. Ala. Code § 13A-12-123 (1975) – Sexually Exploited Child

A “sexually exploited child,” defined to include a sex trafficking victim who allegedly committed prostitution, shall be treated pursuant to section 13A-6-181 (Fines; Counseling or Educational Training Programs; Pretrial Diversion Program). Ala. Code § 13A-12-123. If a child sex trafficking victim is convicted of prostitution, they will be fined USD 500 for an initial conviction, and may be ordered to attend counseling. Ala. Code § 13A-6-181. If the child sex trafficking victim has no prior convictions, the judge may admit the child into a pretrial diversion program. Ala. Code § 13A-6-181(e).

2. Online Child Sexual Exploitation and Child Pornography Offenses

Ala. Code § 13A-6-121 – Facilitating Solicitation of Unlawful Sexual Conduct with a Child

Ala. Code § 13A-6-122 – Electronic Solicitation of a Child

Ala. Code § 13A-6-123 – Facilitating the On-Line Solicitation of a Child

Ala. Code § 13A-6-124 – Traveling to Meet a Child for an Unlawful Sex Act

Ala. Code § 13A-6-125 – Facilitating the Travel of a Child for an Unlawful Sex Act

Ala. Code § 13A-12-191 – Dissemination or Public Display of Obscene Matter Containing Visual Depiction of Persons Under 17 Years of Age Involved in Obscene Acts

Ala. Code § 13A-12-192 – Possession and Possession with Intent to Disseminate Obscene Matter Containing Visual Depiction of Persons Under 17 Years of Age Involved in Obscene Acts

Ala. Code § 13A-12-193 – Proof of Age of Person Contained in Visual Depiction; Inferences as to Age

Ala. Code § 13A-12-194 – Identity of Person Engaged in Obscene Act Not Required

Ala. Code § 13A-12-195 – Indication of Commercial Exploitation of Matter for Prurient Appeal May Be Considered in Determining Whether Matter Appeals to Prurient Interest, Etc.

Ala. Code § 13A-12-196 – Parents or Guardians Permitting Children to Engage in Production of Obscene Matter Guilty of Class A Felony

Ala. Code § 13A-12-197 – Production of Obscene Matter Containing Visual Depiction of Person Under 17 Years of Age Involved in Obscene Acts

Ala. Code § 13A-12-198 – Forfeiture of Equipment, Materials, Vehicles, Etc., Used in Production, Transportation, Dissemination, Etc., of Obscene Matter

3. Ala. Code §§ 15-20A et seq. (1975) – Sex Offender Registration

With limited exceptions, every person found guilty of a “sex offense” must register as a sex offender. Ala. Code § 15-20A-3(a). “Sex offense” for registration purposes includes violation of the Alabama Child Pornography Act, electronic solicitation of a child, facilitating the online solicitation of a child, and human trafficking in the first and second degree, provided that the offense involves sexual servitude. Ala. Code § 15-20A-5.

B. Civil Liability Statutes

1. Ala. Code § 13A-6-157 (2018) – Civil Lawsuits by Human Trafficking Victims

a. Summary

A victim of human trafficking may bring a civil lawsuit for damages and other relief. Ala. Code § 13A-6-157(a). Venue is in the county where the offense was committed or in any other county into or through which the victim may have been carried in commission of the crime. Ala. Code § 13A-6-157(b).

b. Damages and Other Relief

The court may award actual damages, compensatory damages, punitive damages, injunctive relief, and any other appropriate relief. Where the defendant's acts were willful and malicious, the court must award three times the amount of actual damages. Ala. Code § 13A-6-157(c). A prevailing plaintiff will also be awarded attorney's fees and costs. Ala. Code § 13A-6-157(d).

This section does not preclude any other remedy available to the victim under state or federal law. Ala. Code § 13A-6-157(f).

c. Statute of Limitations

The statute of limitations for adult human trafficking victims to bring lawsuits is "five years from the date the victim was removed or escaped from the human trafficking situation." Ala. Code § 13A-6-158(a)(1). The limitations period does not begin to run until the plaintiff discovers both that the sex trade act occurred and that the defendant was responsible for, or profited from the sex trade act. Ala. Code § 13A-6-158(b). It will also be "suspended where [the victim] could not have reasonably discovered the crime due to circumstances resulting from the human trafficking situation, such as psychological trauma, cultural and linguistic isolation, and the inability to access services." Ala. Code § 13A-6-158(a)(3).

The limitations period does not begin running until (a) a minor has reached the age of majority, Ala. Code § 13A-6-158(b)(1), or (b) the last sex trade act committed by the defendant against the victim, Ala. Code § 13A-6-158(b)(3).

The limitations period is tolled during the time when the plaintiff has a disability that makes it impossible or impractical for the plaintiff to bring a lawsuit. "Disability includes, but is not limited to, insanity, imprisonment, or other incapacity or incompetence." Ala. Code § 13A-6-158(b)(2).

The limitations period also is tolled when the plaintiff is subject to threats, intimidation, manipulation, or fraud perpetrated by the defendant or any person acting in the defendant's interest. Ala. Code § 13A-6-158(b)(4).

2. Ala. Code § 13A-6-157.1 (2018) – Lawsuits by Alabama Attorney General

In addition to any other remedy, the Attorney General may sue any person, corporation, or any other legal entity to enjoin human trafficking. Ala. Code § 13A-6-157.1(a). The Attorney General may also sue to recover actual damages for victims. Ala. Code § 13A-6-157.1(b).

A civil lawsuit by the Attorney General has no limitations period. Ala. Code § 13A-6-158(c).

3. Ala. Code § 13A-6-162 (2018) – Violations; Civil Penalties

Any person, corporation, or other legal entity who engages in any act or practice that violates Alabama's human trafficking laws is liable for a civil penalty of up to USD 50,000 for each violation. Ala. Code § 13A-6-162(a).

Any person, corporation, or other legal entity who violates an injunction or order issued under Alabama’s human trafficking statutes shall forfeit and pay a civil penalty of not more than USD 75,000 per violation and shall be held in contempt. Ala. Code § 13A-6-162(b). Upon a continuing, willful violation and a petition by the Attorney General, a court may remove or suspend the entity’s right to do business in Alabama. Ala. Code § 13A-6-162(c).

In any successful lawsuit brought by the Attorney General, the court shall award the office of the Attorney General reasonable attorney’s fees and costs. Ala. Code § 13A-6-162(d).

All penalties recovered shall be credited to the Attorney General’s Special Revenue Account for the purpose of implementing and enforcing Alabama’s human trafficking laws. Ala. Code § 13A-6-162(e).

C. Additional Statutes Specific to Human Trafficking

1. Ala. Code § 13A-6-170 (2019) – Posting of National Human Trafficking Resource Center Hotline in Certain Establishments

Certain establishments must post information about the National Human Trafficking Resource Center hotline: establishments that require a liquor or alcoholic beverage license and do not also have a food or beverage permit; any hotel that has been cited as a nuisance for prostitution; any massage parlor that has been cited as a nuisance for prostitution or where an employee has been cited with violating section 45-13-41 (massage parlor license requirements and unlawful activities); any airport, train station, or bus station; and any business that provides stripteasing or topless entertaining. Ala. Code § 13A-6-170(a).

2. Ala. Code § 15-27-1 (2021) – Petition to Expunge Records Relating to Misdemeanor Offense, Driving Violation, or Municipal Ordinance Violation

A person may petition to expunge records relating to a charge for a misdemeanor criminal offense, a driving violation, or a violation of a municipal ordinance committed because the person was being trafficked. Ala. Code § 15-27-1(a)(8).

3. Ala. Code § 15-27-2 (2021) – Petition to Expunge Records Relating to Felony Offense

A person may petition to expunge records relating to a charge for a non-violent felony offense, as well as charges for promoting prostitution, third-degree domestic violence, and production of obscene matter involving a person under 17, because the person was being trafficked. “Evidence that a person is a victim of human trafficking may include, but is not limited to, evidence that the person’s trafficker was convicted of trafficking the person.” Ala. Code § 15-27-2(a)(8).

A person may petition to expunge records relating to convictions for certain violent offenses, including promoting prostitution, third-degree domestic violence, and production of obscene matter involving a person under 17, because the person was being trafficked. Ala. Code § 15-27-2(b).

4. Ala. Code § 16-60-117.1 (2020) – Commercial Driver Training on Recognition, Prevention, and Reporting of Human Trafficking

All trade schools and junior colleges shall offer, as part of any commercial motor vehicle driving course curriculum, industry-specific training on the recognition, prevention, and reporting of human trafficking. Ala. Code § 16-60-117.1(a). Private driver training schools shall use best efforts to incorporate in the course curriculum specific training on the recognition, prevention, and reporting of human trafficking. Ala. Code § 16-60-117.1(c).

5. Wage Theft

Alabama does not have a wage theft statute or any laws governing wage and hour issues. Employers are subject only to federal guidelines set forth by the U.S. Wage and Hour Division, a division of the U.S. Department of Labor.

More information can be found at: https://labor.alabama.gov/Wage_and_Hour_Info.pdf.

D. Significant Cases

1. *Alonso v. State*, 228 So. 3d 1093 (Ala. Crim. App. 2016)

The defendant appealed a conviction of human trafficking in the first degree in violation of Ala. Code § 13A–6–152(a)(2) on the ground that the statute was unconstitutionally void for vagueness. The appellate court rejected that argument, holding that the provisions provide “‘both fair notice to the public [as to what] conduct is proscribed and minimal guidelines to aid officials in the enforcement of that proscription.’”

E. Academic Research/Papers

No academic research or papers were found regarding Alabama’s human trafficking statutes.

F. Resources

Alabama Human Trafficking Task Force:

<https://www.enditalabama.org/>

Middle District of Alabama Human Trafficking Task Force (2019):

<https://www.justice.gov/usao-mdal/human-trafficking-task-force>

National Human Trafficking Hotline (Alabama):

<https://humantraffickinghotline.org/state/alabama>

North Alabama Human Trafficking Task Force (2020):

<https://stnow.org/>

Shared Hope International, Alabama Report Card (2019):

http://sharedhope.org/PICframe9/reportcards/PIC_RC_2019_AL.pdf

Shared Hope International, Alabama Analysis and Recommendations (2019):

http://sharedhope.org/PICframe9/analysis/PIC_AR_2019_AL.pdf

U.S. Department of Health & Human Services, *Alabama: Efforts to Combat Human Trafficking* (2017):

https://nhhtac.acf.hhs.gov/sites/default/files/2019-06/alabama_profile_efforts_to_combat_human_trafficking.pdf

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