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8 SYNOPSIS: This bill would prohibit a person from
9 picketing or protesting near or outside the
10 residence of any individual with the intent to
11 harass or intimidate.

12 This bill would require law enforcement
13 officers to ask a person who is protesting to
14 peacefully leave the premises before placing that
15 person under arrest.

16 This bill would allow municipalities or
17 counties to adopt ordinances or resolutions to
18 regulate the time and noise level of any picketing
19 or protesting in a residential area.

20 This bill would also provide criminal
21 penalties for violations.

22 Amendment 621 of the Constitution of Alabama
23 of 1901, as amended by Amendment 890, now appearing
24 as Section 111.05 of the Official Recompilation of
25 the Constitution of Alabama of 1901, as amended,
26 prohibits a general law whose purpose or effect
27 would be to require a new or increased expenditure

1 of local funds from becoming effective with regard
2 to a local governmental entity without enactment by
3 a 2/3 vote unless: it comes within one of a number
4 of specified exceptions; it is approved by the
5 affected entity; or the Legislature appropriates
6 funds, or provides a local source of revenue, to
7 the entity for the purpose.

8 The purpose or effect of this bill would be
9 to require a new or increased expenditure of local
10 funds within the meaning of the amendment. However,
11 the bill does not require approval of a local
12 governmental entity or enactment by a 2/3 vote to
13 become effective because it comes within one of the
14 specified exceptions contained in the amendment.

15
16 A BILL
17 TO BE ENTITLED
18 AN ACT
19

20 Relating to crimes and offenses; to prohibit
21 harassment of an individual outside a residence; to provide
22 for time and noise regulations; to provide for criminal
23 penalties; and in connection therewith would have as its
24 purpose or effect the requirement of a new or increased
25 expenditure of local funds within the meaning of Amendment 621
26 of the Constitution of Alabama of 1901, as amended by
27 Amendment 890, now appearing as Section 111.05 of the Official

1 Recompilation of the Constitution of Alabama of 1901, as
2 amended.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. For the purposes of this section, the
5 following terms have the following meanings:

6 (a) (1) LAW ENFORCEMENT OFFICER. An officer employed
7 by the state, or a county or municipality who is certified by
8 the Alabama Peace Officers' Standards and Training Commission
9 and who has the power of arrest.

10 (2) RESIDENCE. A building or structure, having a
11 physical address or street number, that provides shelter in
12 which a person resides.

13 (b) No person shall picket or protest before or near
14 a residence occupied or used by any individual with the intent
15 to harass, intimidate, or disturb that individual or other
16 individuals who reside at that residence.

17 (c) A violation of this section is a Class C
18 misdemeanor. A second or subsequent violation of this section
19 is a Class B misdemeanor.

20 (d) (1) This section may be enforced by the Alabama
21 State Law Enforcement Agency if a local law enforcement agency
22 fails to enforce this section.

23 (2) Prior to making an arrest for a violation of
24 this section, a law enforcement officer shall command any
25 person who is picketing or protesting before or near a
26 residence occupied or used by any individual to immediately
27 and peaceably disperse.

1 (e) Municipalities and counties, by ordinance or
2 resolution, may adopt regulations to limit the time frame and
3 noise level of any picketing or protesting in residential
4 areas. Violations of ordinances or resolutions adopted
5 pursuant to this section shall be enforced in the same manner
6 as a violation of this section.

7 Section 2. Although this bill would have as its
8 purpose or effect the requirement of a new or increased
9 expenditure of local funds, the bill is excluded from further
10 requirements and application under Amendment 621, as amended
11 by Amendment 890, now appearing as Section 111.05 of the
12 Official Recompilation of the Constitution of Alabama of 1901,
13 as amended, because the bill defines a new crime or amends the
14 definition of an existing crime.

15 Section 3. This act shall become effective on the
16 first day of the third month following its passage and
17 approval by the Governor, or its otherwise becoming law.