

AN EDUCATIONAL UPDATE FROM
THE SOUTHEAST LAW INSTITUTE™, INC.

To: Interested Persons
Date: May 2018
From: A. Eric Johnston
Re: Report on the Regular Session of the 2018 Alabama Legislature

Every four years the legislative session precedes an election year. In those years, the Legislature wants to adjourn early in order to have time to campaign. This year was no exception. Both the House and the Senate wanted to avoid time-consuming and contentious legislative issues. Working with the leadership from year to year, we like to cooperate as much as possible. Nevertheless, it was still a busy year with a great deal of activity.

Pro-life – APLC initially suggested three bills and a resolution to be considered during the session. Two of those bills were drafted and reviewed by the medical and hospital associations, but never actually filed. The other bill, HB52 (Rep. Kerry Rich) requiring refund of abortion fees if the woman changes her mind and the abortion is not performed, did make it out of a House committee. Also, Sen. Bill Hightower shepherded a resolution through the Senate that commended Alabama's pregnancy care centers for their fine work.

Gambling – Not a year ever goes by without gambling bills being filed. While a couple of lottery bills were filed, there was no serious effort to move them. However, there were two other bills that did see some activity, one of which got dangerously close to passage.

SB325 by Rep. Paul Sanford, to authorize daily fantasy sports, was again introduced. Advocates for fantasy sports laws say they are skill based. However, we prepared a documented memorandum for distribution to members explaining why these are not computer games of skill but are largely based on chance and violate Alabama's prohibition against games of chance. Though this bill came up in committee, it did not move very far.

The most significant threat arose from a seemingly appropriate proposal related to civil forfeiture of assets. While that proposal was supported by many private property conservative interest groups, it overlooked the use of civil forfeiture in Alabama as a method of stopping illegal gambling. Possession of slot machines is a mere misdemeanor. The Alabama Attorney General's Office has been able to use civil forfeiture as a means of taking the slot machines, worth many thousands of dollars, and thereby putting the illegal operations out of business. An effort to rewrite all of Alabama's civil forfeiture laws would have taken away this important law enforcement tool. Another proposal, SB213 by Sen. Arthur Orr was acceptable and was related to collecting data and reporting information on asset forfeitures. However, before the bill passed the Senate, Sen. Rodger Smitherman added an amendment, the effect of which would have been to remove law enforcement's ability to enforce civil forfeiture as explained above. The Senate approved that amendment. We quickly prepared a memorandum and circulated it to House members warning them of the dangerous consequences of the amendment. The bill did not pass the House.

Religious Rights – Every session seems to have one bill that dominates all others. For the last two years, efforts to remove exemption of church daycare ministries from state regulation was at issue. This year, HB76 by Rep. Pebblin Warren was worked out as an acceptable compromise and was signed into law by the Governor. Last month's Educational Update explained that bill. The important thing is that this bill was necessary and provides more protection to church daycare ministries than enjoyed previously.

SCOTUS has allowed the posting of the Ten Commandments in public places under very strict guidelines. SB181 by Sen. Gerald Dial is an Alabama constitutional amendment which will be on this year's November ballot. It authorizes the posting of the Ten Commandments in public schools and other public places, as long as done constitutionally. We will provide more information on this in a later Educational Update.

A bill by Rep. Lynn Greer, HB34, would have authorized Bible to be taught as an elective in public schools. SCOTUS has held teaching the Bible in its many aspects, *viz.*, history, art, literature, *etcetera*, does not violate the Constitution. While this bill passed the House, it died in the Senate. Regardless, Alabama public schools have the right to teach the Bible as an elective course. There are some very good textbooks available for that.

Female genital mutilation is practiced as a part of Sharia law by some Muslims. In an effort to protect the practice, many deny that it takes place in America. It is well documented that it does. Rep. Rod Scott filed HB109, a bill which would have criminalized the practice, he being motivated by a compelling personal story. A family member is an OBGYN who provided medical services in an African nation where he observed firsthand the practice of mutilating young girls. Rep. Scott understood the problem like few others. Rep. Connie Rowe, who had law enforcement experience with sex crimes, had also filed HB284, a similar bill. Together they agreed to support HB284 which passed the House but unfortunately died in the Senate as a result of a opposing filibuster by of all things a female Senator. This is a very important bill that needs to be passed to protect young girls in the State of Alabama.

Conclusion – As you can see, it was a busy year. We want to emphasize that SLI services are available to any who need them, without charge. While the activities related above were within the legislative context, there are other issues affecting us individually, oftentimes resulting in court activities. We appreciate the opportunity to provide these services.

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