

Alabama



The letter grades reflect Polaris' evaluation of existing laws designed to provide survivors of human trafficking with a realistic pathway to clear their criminal records. For more information on the criteria graded, please read [here](#) and examples of model legislation for each criteria can be found [here](#). If you have any questions or issues, please contact policy@polarisproject.org.

GOOD FOR SURVIVORS:

Offenses Covered:

Alabama covers a wide range of offenses, including more "serious crimes," i.e. violent crimes, sex crimes, and serious felonies. This is critical as many survivors are arrested and convicted for various offenses resulting from their trafficking experience. Ideally, all offenses would be eligible for relief.

Hearing Requirement:

Attending a hearing can be traumatizing for survivors as well as expensive. Alabama is silent on whether a hearing is required, potentially allowing for a petition for relief to be granted without a hearing. However, this language is not specific, meaning a hearing may be required. Ideally, survivors could apply for relief, and based on the evidence provided, the court could decide to grant relief without having a hearing.

Burden of Proof:

The current burden of proof in Alabama is a "preponderance of the evidence," which aligns with the level of proof survivors typically are able to use to establish their victimization.

NEEDS IMPROVEMENT:

Procedural Confidentiality:

The statute in Alabama is silent on the confidentiality of the petition for relief or records of the proceeding. Applying for record relief under these statutes can indicate a survivor's status as a trafficking victim and give information on their location, trafficking experience, and other sensitive details. Survivors should not have to choose between the safety risk of their victimization being exposed and applying for and accessing criminal record relief. Ideally, there should be an automatic process with clear confidentiality provisions in the statute to protect survivors applying for record relief.

Judicial Discretion:

Alabama states that the court "may" grant a petition for relief upon making the necessary findings. Ideally, the court "shall" or "must" grant the petition if the survivor meets certain requirements. Therefore, the survivor is guaranteed specific action based on their eligibility.

Trafficking Nexus:

Survivors in Alabama must prove the underlying offense and subsequent record was "proximately caused by" or "as a direct result of" being trafficked. Ideally, legislators in Alabama would change the statute to utilize less restrictive statutory language like "as a result" of trafficking or "while they were a victim" of trafficking.



Statute: [AL ST § 15-27-2\(b\) \(for felonies\)](#)