HB119

By Representative Coleman

RFD: Education Policy

First Read: 07-FEB-12

PFD: 02/02/2012
SYNOPSIS: Under existing law, assault in the third degree is a Class A misdemeanor.

This bill would make assault in the third degree a Class C felony if the assault is committed by a person 21 years of age or older against a person who is less than 18 years of age on school property, including on a school bus or at a school-sponsored function.

Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the affected entity; or the Legislature appropriates
funds, or provides a local source of revenue, to 
the entity for the purpose.

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

A BILL 
TO BE ENTITLED 
AN ACT 

To amend Section 13A-6-22 of the Code of Alabama 
1975, relating to assault in the third degree; to further 
provide for assault in the third degree if the assault is 
committed by a person 21 years of age or older against a 
person who is less than 18 years of age on school property; to 
provide penalties; and in connection therewith would have as 
its purpose or effect the requirement of a new or increased 
expenditure of local funds within the meaning of Amendment 621 
of the Constitution of Alabama of 1901, now appearing as 
Section 111.05 of the Official Recompilation of the 
Constitution of Alabama of 1901, as amended. 
BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
Section 1. Section 13A-6-22 of the Code of Alabama 1975, is amended to read as follows:

"§13A-6-22."

"(a) A person commits the crime of assault in the third degree if:

"(1) With intent to cause physical injury to another person, he causes physical injury to any person; or

"(2) He recklessly causes physical injury to another person; or

"(3) With criminal negligence he causes physical injury to another person by means of a deadly weapon or a dangerous instrument; or

"(4) With intent to prevent a peace officer from performing a lawful duty, he causes physical injury to any person.

"(b) Assault Except as provided in subsection (c), assault in the third degree is a Class A misdemeanor.

"(c) Assault in the third degree is a Class C felony if the assault is committed by a person 21 years of age or older against a person who is less than 18 years of age on school property, including on a school bus or at a school-sponsored function."

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

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