HB378

151105-3

By Representative Coleman-Evans

RFD: Judiciary

First Read: 28-FEB-13
A BILL
TO BE ENTITLED
AN ACT

To amend Section 13A-6-21, Code of Alabama 1975, relating to the crime of assault in the second degree; to provide that a person commits the offense of assault in the second degree if with the intent to cause physical injury to a person who is less than 18 years of age on school property, including on a school bus or at a school-sponsored function, a person 21 years of age or older causes physical injury to any person; 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-6-21, Code of Alabama 1975, is amended to read as follows:

"§13A-6-21.

"(a) A person commits the crime of assault in the second degree if the person does any of the following:
'(1) With intent to cause serious physical injury to another person, he or she causes serious physical injury to any person.

'(2) With intent to cause physical injury to another person, he or she causes physical injury to any person by means of a deadly weapon or a dangerous instrument.

'(3) He or she recklessly causes serious physical injury to another person by means of a deadly weapon or a dangerous instrument.

'(4) With intent to prevent a peace officer, as defined in Section 36-21-60, a detention or correctional officer at any municipal or county jail or state penitentiary, emergency medical personnel, a utility worker, or a firefighter from performing a lawful duty, he or she intends to cause physical injury and he or she causes physical injury to any person. For the purpose of this subdivision, a person who is a peace officer who is employed or under contract while off duty by a private or public entity is a peace officer performing a lawful duty when the person is working in his or her approved uniform while off duty with the approval of his or her employing law enforcement agency. Provided, however, that nothing contained herein shall be deemed or construed as amending, modifying, or extending the classification of a peace officer as off-duty for workers compensation purposes or any other benefits to which a peace officer may otherwise be entitled to under law when considered on-duty. Additionally, nothing contained herein shall be deemed or construed as
amending, modifying, or extending the tort liability of any
municipality as a result of any action or inaction on the part
of an off-duty police officer.

"(5) With intent to cause physical injury to a
teacher or to an employee of a public educational institution
during or as a result of the performance of his or her duty,
he or she causes physical injury to any person.

"(6) With intent to cause physical injury to a
health care worker, including a nurse, physician, technician,
or any other person employed by or practicing at a hospital as
defined in Section 22-21-20; a county or district health
department; a long-term care facility; or a physician's
office, clinic, or outpatient treatment facility during the
course of or as a result of the performance of the duties of
the health care worker or other person employed by or
practicing at the hospital; the county or district health
department; any health care facility owned or operated by the
State of Alabama; the long-term care facility; or the
physician's office, clinic, or outpatient treatment facility;
he or she causes physical injury to any person. This
subdivision shall not apply to assaults by patients who are
impaired by medication or to assaults on home health care
workers while they are in private residences.

"(7) For a purpose other than lawful medical or
therapeutic treatment, he or she intentionally causes stupor,
unconsciousness, or other physical or mental impairment or
injury to another person by administering to him or her,
without his or her consent, a drug, substance or preparation capable of producing the intended harm.

"(8) With intent to cause physical injury to a person who is less than 18 years of age on school property, including on a school bus or at a school-sponsored function, a person 21 years of age or older causes physical injury to any person.

"(b) Assault in the second degree is a Class C felony.

"(c) For the purposes of this section, utility worker means any person who is employed by an entity that owns, operates, leases, or controls any plant, property, or facility for the generation, transmission, manufacture, production, supply, distribution, sale, storage, conveyance, delivery, or furnishing to or for the public of electricity, natural or manufactured gas, water, steam, sewage, or telephone service, including two or more utilities rendering joint service."

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.
House of Representatives

Read for the first time and referred to the House of Representatives committee on Judiciary ....... .•••• 28-FEB-13

Read for the second time and placed on the calendar with 1 substitute and............................... .•••• 10-APR-13

Read for the third time and passed as amended.......................... .•••• 24-APR-13

Yeas 93, Nays 2, Abstains 1

 Jeff Woodard
 Clerk