

HB202 INTRODUCED



1 HB202
2 JJEBFYF-1
3 By Representatives Daniels, Clarke, Sellers, Chestnut,
4 England, McClammy, Gray, Hollis, Lawrence, Travis, Ensler,
5 Hendrix
6 RFD: State Government
7 First Read: 20-Feb-24



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SYNOPSIS:

Under existing law, there is no private right of action for assault on a specified class of protected workers.

This bill would create a protected class of workers and independent contractors who have a private right of action if they are assaulted at their workplace while performing, directly or indirectly, their official job duties.

This bill would provide for the newly created protected workers class, to include, but not be limited to, election workers and officials; health care workers, including occupational health providers who evaluate worker's compensation claims; home health care workers working in a private home; long-term care facility workers; pharmacy workers; Alabama Department of Human Resources workers performing social work; Public K-12 school teachers, administrators, staff, and volunteers; elementary and secondary school, and private and public educational institution sports referees; municipal sanitation workers; mail carriers and delivery workers; servers in food establishments or at event venues; food truck staff; drivers of rideshare vehicles; drivers of public transit vehicles; utility, maintenance, and construction workers; retail workers



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29 and courthouse staff.

30 This bill would provide a definition of assault
31 and aggravated assault for this civil action. This bill
32 would provide that it shall be construed in reference
33 with all laws relating to assault and bodily injury.

34 This bill would provide for a time period in
35 which an action may be commenced. This bill would
36 eliminate the defense of the actor not possessing the
37 intent to carry out the assault or being unaware an
38 assault occurred.

39 This bill would further provide that conviction
40 under the criminal assault laws conclusively
41 establishes the liability of the convicted individual
42 for damages under this act.

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A BILL

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TO BE ENTITLED

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AN ACT

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49 Relating to civil actions; to create a private right of
50 action for a newly created class of protected workers; and to
51 impose civil penalties allowing them to recover damages when
52 they are assaulted while performing their official job duties.

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BE IT ENACTED BY THE LEGISLATURE OF ALABAMA

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Section 1. For the purposes of this act, the following
55 words have the following meanings:

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(1) ASSAULT. When an individual, with the intent to



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57 cause physical injury to a protected worker, causes physical
58 injury to the protected worker.

59 (2) AGGRAVATED ASSAULT. When an individual, with the
60 intent to cause serious physical injury to a protected worker,
61 unlawfully inflicts serious bodily injury by means of a deadly
62 weapon, bodily fluid, chemical substance, or any other
63 dangerous instrument.

64 (2) PROTECTED WORKER CLASS. A worker or independent
65 contractor employed in one of the following occupational
66 classes, to include, but not be limited to, election workers
67 or officials; health care workers, including individuals who
68 provide health services, treatment, or therapy, hospital and
69 office staff, and occupational health providers who evaluate
70 workers' compensation claims; home health care workers
71 providing care in private homes; long-term care facility
72 workers; pharmacy staff; Alabama Department of Human Resources
73 workers performing social work; elementary and secondary
74 school, and private and public educational institution sports
75 referees; public K-12 school teachers, administrators, staff,
76 and volunteers; municipal sanitation workers; mail carriers
77 and delivery workers; servers in food establishments or event
78 venues; food truck workers; drivers of rideshare vehicles;
79 drivers of public transit vehicles; utility, maintenance, and
80 construction workers; retail workers; and courthouse staff.

81 Section 2. Any protected worker, who while in the
82 performance of, directly or indirectly, his or her official
83 duties, suffers damage as a result of another individual's
84 assault or aggravated assault on his or her body, has a cause



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85 of action for damages and attorneys fees and any other relief
86 a court of competent jurisdiction deems appropriate,
87 including, but not limited to, compensatory damages and
88 punitive damages as allowed for wantonness or malice disregard
89 to the plaintiff, pursuant to Section 6-11-20, Code of Alabama
90 1975.

91 Section 3. This act shall be construed in pari materia
92 with all laws relating to assault and bodily injury.

93 Section 4. Any civil action for damages for assault or
94 aggravated assault on a protected worker shall be commenced
95 within two years after the cause of action accrues.

96 Section 5. It is no defense under this act that the
97 actor did not intend, or was unaware of, the act charged.

98 Section 6. Conviction under Section 13A-6-20, 13A-6-21,
99 or 13A-6-22, Code of Alabama 1975, or under any other criminal
100 law punishing assault shall conclusively establish the
101 liability of the individual convicted for the damages provided
102 under this act.

103 Section 7. This act shall become effective on October
104 1, 2024.