

1 HB363
2 157552-1
3 By Representative Buttram
4 RFD: Judiciary
5 First Read: 30-JAN-14

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8 SYNOPSIS: Under existing law, a court with proper
9 jurisdiction may enter a protection from abuse
10 order related to domestic violence against the
11 victim's spouse, former spouse, common-law or
12 former common-law spouse, a person who shares a
13 child with the victim, a person who is in a dating
14 relationship with the victim, or a person who is a
15 current or former household member of the victim
16 and who is in, or was engaged in, a romantic or
17 sexual relationship with the defendant.

18 This bill would allow a court with proper
19 jurisdiction to enter a protection from abuse order
20 against an adult child of the victim.

21
22 A BILL
23 TO BE ENTITLED
24 AN ACT

25
26 To amend Section 30-5-2, Code of Alabama 1975,
27 relating to the Protection From Abuse Act, to allow a court

1 with proper jurisdiction to enter a protection from abuse
2 order against an adult child of the victim.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Section 30-5-2, Code of Alabama 1975, is
5 amended to read as follows:

6 "§30-5-2.

7 "In this chapter, the following words shall have the
8 following meanings unless the context clearly indicates
9 otherwise:

10 "(1) ABUSE. The occurrence of conduct directed at a
11 plaintiff as defined by this chapter, including the following:

12 "a. Arson. Arson as defined under Sections 13A-7-40
13 to 13A-7-43, inclusive.

14 "b. Assault. Assault as defined under Sections
15 13A-6-20 to 13A-6-22, inclusive.

16 "c. Attempt. With the intent to commit any crime
17 under this section or any other criminal act under the laws of
18 this state, performing any overt act towards the commission of
19 the offense.

20 "d. Child abuse. Abusing children as defined under
21 Chapter 15, commencing with Section 26-15-1, of Title 26,
22 known as the Alabama Child Abuse Act.

23 "e. Criminal coercion. Criminal coercion as defined
24 under Section 13A-6-25.

25 "f. Criminal trespass. Entering or remaining in the
26 dwelling or on the premises of another after having been
27 warned not to do so either orally or in writing by the owner

1 of the premises or other authorized person as defined under
2 Sections 13A-7-2 to 13A-7-4.1, inclusive.

3 "g. Harassment. Harassment as defined under Section
4 13A-11-8.

5 "h. Kidnapping. Kidnapping as defined under Sections
6 13A-6-43 and 13A-6-44.

7 "i. Menacing. Menacing as defined under Section
8 13A-6-23.

9 "j. Other conduct. Any other conduct directed toward
10 a plaintiff covered by this chapter that could be punished as
11 a criminal act under the laws of this state.

12 "k. Reckless endangerment. Reckless endangerment as
13 defined under Section 13A-6-24.

14 "l. Sexual abuse. Any sexual offenses included in
15 Article 4, commencing with Section 13A-6-60, of Chapter 6 of
16 Title 13A.

17 "m. Stalking. Stalking as defined under Sections
18 13A-6-90 to 13A-6-94, inclusive.

19 "n. Theft. Knowingly obtaining or exerting
20 unauthorized control or obtaining control by deception over
21 property owned by or jointly owned by the plaintiff and
22 another. Theft includes theft as defined under Sections
23 13A-8-1 to 13A-8-5, inclusive.

24 "o. Unlawful imprisonment. Unlawful imprisonment as
25 defined under Sections 13A-6-41 and 13A-6-42.

26 "(2) ADULT. Any person 19 years of age or older, or
27 who otherwise is emancipated.

1 "(3) CHILD. A person 18 years of age or younger.

2 "(4) COURT. A circuit court judge or, when the
3 circuit court judge is unavailable, a district court judge. A
4 district court judge may be designated by a written standing
5 order from the presiding circuit court judge to handle
6 protection from abuse cases.

7 "(5) PLAINTIFF. For the purposes of this chapter,
8 the term plaintiff is a person in need of protection from
9 domestic violence who is 18 years of age or older, is or has
10 been married, or is emancipated, and has one of the following
11 relationships with the defendant:

12 "a. ~~Related by marriage~~ Is married to the defendant,
13 including a common law marriage.

14 "b. Had a former marriage or common law marriage
15 with the defendant.

16 "c. Has a child in common with the defendant.

17 "d. Has a dating relationship with the defendant. A
18 dating relationship means a recent frequent, intimate
19 association, primarily characterized by the expectation of
20 affectionate or sexual involvement within the last six months.
21 A dating relationship does not include a casual or business
22 relationship.

23 "e. Is a current or former household member. A
24 household member is a person maintaining or having maintained
25 a living arrangement with the defendant where he or she is in,
26 or was engaged in, a romantic or sexual relationship.

1 "f. Is the parent of an adult defendant or was the
2 legal guardian of an adult defendant.

3 "(6) PROTECTION ORDER. Any order of protection
4 issued under this chapter for the purpose of preventing acts
5 of abuse as defined in this chapter.

6 "(7) THREAT. Any word or action, expressed or
7 implied, made to cause the plaintiff to fear for his or her
8 safety or for the safety of another person."

9 Section 2. This act shall become effective on the
10 first day of the third month following its passage and
11 approval by the Governor, or its otherwise becoming law.