

1 HB403  
2 209556-4  
3 By Representative Morris  
4 RFD: Judiciary  
5 First Read: 23-FEB-22

1  
2 ENROLLED, An Act,

3 Relating to physical injury; to amend Section  
4 13A-1-2, Code of Alabama 1975; to expand the definition of  
5 serious physical injury.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. Section 13A-1-2, Code of Alabama 1975, is  
8 amended to read as follows:

9 "§13A-1-2.

10 "Unless different meanings are expressly specified  
11 in subsequent provisions of this title, the following terms  
12 shall have the following meanings:

13 "(1) BOOBY TRAP. Any concealed or camouflaged device  
14 designed to cause bodily injury when triggered by any action  
15 of a person making contact with the device. This term includes  
16 guns, ammunition, or explosive devices attached to trip wires  
17 or other triggering mechanisms, sharpened stakes, nails,  
18 spikes, electrical devices, lines or wires with hooks  
19 attached, and devices for the production of toxic fumes or  
20 gases.

21 "(2) BURDEN OF INJECTING THE ISSUE. The term means  
22 that the defendant must offer some competent evidence relating  
23 to all matters subject to the burden, except that the  
24 defendant may rely upon evidence presented by the prosecution  
25 in meeting the burden.

1           "(3) CLANDESTINE LABORATORY OPERATION. Any of the  
2 following:

3           "a. Purchase or procurement of chemicals, supplies,  
4 equipment, or laboratory location for the unlawful manufacture  
5 of controlled substances.

6           "b. Transportation or arranging for the  
7 transportation of chemicals, supplies, or equipment for the  
8 unlawful manufacture of controlled substances.

9           "c. Setting up of equipment or supplies in  
10 preparation for the unlawful manufacture of controlled  
11 substances.

12           "d. Distribution or disposal of chemicals,  
13 equipment, supplies, or products used in or produced by the  
14 unlawful manufacture of controlled substances.

15           "(4) CRIME. A misdemeanor or a felony.

16           "(5) DANGEROUS INSTRUMENT. Any instrument, article,  
17 or substance which, under the circumstances in which it is  
18 used, attempted to be used, or threatened to be used, is  
19 highly capable of causing death or serious physical injury.  
20 The term includes a "vehicle," as that term is defined in  
21 subdivision (15).

22           "(6) DEADLY PHYSICAL FORCE. Physical force which,  
23 under the circumstances in which it is used, is readily  
24 capable of causing death or serious physical injury.

1           "(7) DEADLY WEAPON. A firearm or anything manifestly  
2 designed, made, or adapted for the purposes of inflicting  
3 death or serious physical injury. The term includes, but is  
4 not limited to, a pistol, rifle, or shotgun; or a switch-blade  
5 knife, gravity knife, stiletto, sword, or dagger; or any  
6 billy, black-jack, bludgeon, or metal knuckles.

7           "(8) FELONY. An offense for which a sentence to a  
8 term of imprisonment in excess of one year is authorized by  
9 this title.

10           "(9) MISDEMEANOR. An offense for which a sentence to  
11 a term of imprisonment not in excess of one year may be  
12 imposed.

13           "(10) OFFENSE. Conduct for which a sentence to a  
14 term of imprisonment, or the death penalty, or to a fine is  
15 provided by any law of this state or by any law, local law, or  
16 ordinance of a political subdivision of this state.

17           "(11) PERSON. A human being, and where appropriate,  
18 a public or private corporation, an unincorporated  
19 association, a partnership, a government, or a governmental  
20 instrumentality.

21           "(12) PHYSICAL INJURY. Impairment of physical  
22 condition or substantial pain.

23           "(13) POSSESS. To have physical possession or  
24 otherwise to exercise dominion or control over tangible  
25 property.

1           "(14) SERIOUS PHYSICAL INJURY. Physical injury which  
2 creates a substantial risk of death, or which causes serious  
3 and protracted disfigurement, protracted impairment of health,  
4 ~~or~~ protracted loss or impairment of the function of any bodily  
5 organ, or a penetrating gunshot wound inflicted by a firearm  
6 as defined in Section 13A-8-1.

7           "(15) VEHICLE. Any "propelled vehicle," as defined  
8 in subdivision (9) of Section 13A-8-1. The term includes any  
9 propelled device by which any person or property is  
10 transported on land, water, or in the air, and includes motor  
11 vehicles, motorcycles, motorboats, and aircraft, and any  
12 vessel, whether propelled by machinery or not.

13           "(16) VIOLATION. An offense for which a sentence to  
14 a term of imprisonment not in excess of 30 days may be  
15 imposed."

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

