

HB75 INTRODUCED



1 HB75
2 KNY7A5A-1
3 By Representative Ensler
4 RFD: Judiciary
5 First Read: 06-Feb-24
6 PFD: 01-Feb-24



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SYNOPSIS:

Under existing law, a person commits the crime of assault in the second degree when, with the intent to cause physical injury, he or she causes physical injury to certain employees based on their profession.

This bill would add a letter carrier to the employees listed in the assault in the second degree statute.

Section 111.05 of the Constitution of Alabama of 2022, 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 section. 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 section.



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A BILL
TO BE ENTITLED
AN ACT

Relating to crimes and offenses; to amend Section 13A-6-21, Code of Alabama 1975, to add letter carriers to the employees listed in the assault in the second degree statute; 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 Section 111.05 of the Constitution of Alabama of 2022.

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.



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57 (4)a. With intent to prevent a peace officer, as
58 defined in Section 36-21-60, a detention or correctional
59 officer at any municipal or county jail or state penitentiary,
60 emergency medical personnel, a utility worker, or a
61 firefighter from performing a lawful duty, he or she intends
62 to cause physical injury and he or she causes physical injury
63 to any person.

64 b. For the purpose of this subdivision, a person who is
65 a peace officer who is employed or under contract while off
66 duty by a private or public entity is a peace officer
67 performing a lawful duty when the person is working in his or
68 her approved uniform while off duty with the approval of his
69 or her employing law enforcement agency. Provided, however,
70 that nothing contained in this subdivision shall be deemed or
71 construed as amending, modifying, or extending the
72 classification of a peace officer as off-duty for workers
73 compensation purposes or any other benefits to which a peace
74 officer may otherwise be entitled to under law when considered
75 on-duty. Additionally, nothing contained in this subdivision
76 shall be deemed or construed as amending, modifying, or
77 extending the tort liability of any municipality as a result
78 of any action or inaction on the part of an off-duty police
79 officer.

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

84 (6) With intent to cause physical injury to a health



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85 care worker, including a nurse, physician, technician, or any
86 other person employed by or practicing at a hospital as
87 defined in Section 22-21-20; a county or district health
88 department; a long-term care facility; a physician's office,
89 clinic, or outpatient treatment facility during the course of
90 or as a result of the performance of the duties of the health
91 care worker or other person employed by or practicing at the
92 hospital; the county or district health department; any health
93 care facility owned or operated by the State of Alabama; the
94 long-term care facility; the physician's office, clinic, or
95 outpatient treatment facility; or a pharmacist, pharmacy
96 technician, pharmacy intern, pharmacy extern, or pharmacy
97 cashier; he or she causes physical injury to any person. This
98 subdivision shall apply to assaults on home health care
99 workers while they are in a private residence. This
100 subdivision shall not apply to assaults by patients who are
101 impaired by medication.

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

108 (8) With intent to cause physical injury to a
109 Department of Human Resources employee or any employee
110 performing social work, as defined in Section 34-30-1, during
111 or as a result of the performance of his or her duty, he or
112 she causes physical injury to any person.



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113 (9) With intent to cause physical injury to a letter
114 carrier, as defined in Section 32-6-380, during or as a result
115 of the performance of his or her duty, he or she causes
116 physical injury to any person.

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

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

126 Section 2. Although this bill would have as its purpose
127 or effect the requirement of a new or increased expenditure of
128 local funds, the bill is excluded from further requirements
129 and application under Section 111.05 of the Constitution of
130 Alabama of 2022, because the bill defines a new crime or
131 amends the definition of an existing crime.

132 Section 3. This act shall become effective on October
133 1, 2024.