

1 SB90  
2 215729-3  
3 By Senator Weaver  
4 RFD: Judiciary  
5 First Read: 13-JAN-22

1 SB90

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4 ENROLLED, An Act,

5 Relating to crimes and offenses; to amend Section  
6 13A-6-21, Code of Alabama 1975, to further provide for assault  
7 in the second degree; and in connection therewith would have  
8 as its purpose or effect the requirement of a new or increased  
9 expenditure of local funds within the meaning of Amendment 621  
10 of the Constitution of Alabama of 1901, as amended by  
11 Amendment 890, now appearing as Section 111.05 of the Official  
12 Recompilation of the Constitution of Alabama of 1901.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. Section 13A-6-21, Code of Alabama 1975,  
15 is amended to read as follows:

16 "§13A-6-21.

17 "(a) A person commits the crime of assault in the  
18 second degree if the person does any of the following:

19 "(1) With intent to cause serious physical injury to  
20 another person, he or she causes serious physical injury to  
21 any person.

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

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

4           "(4)a. With intent to prevent a peace officer, as  
5 defined in Section 36-21-60, a detention or correctional  
6 officer at any municipal or county jail or state penitentiary,  
7 emergency medical personnel, a utility worker, or a  
8 firefighter from performing a lawful duty, he or she intends  
9 to cause physical injury and he or she causes physical injury  
10 to any person.

11           "b. For the purpose of this subdivision, a person  
12 who is a peace officer who is employed or under contract while  
13 off duty by a private or public entity is a peace officer  
14 performing a lawful duty when the person is working in his or  
15 her approved uniform while off duty with the approval of his  
16 or her employing law enforcement agency. Provided, however,  
17 that nothing contained ~~herein~~ in this subdivision shall be  
18 deemed or construed as amending, modifying, or extending the  
19 classification of a peace officer as off-duty for workers  
20 compensation purposes or any other benefits to which a peace  
21 officer may otherwise be entitled to under law when considered  
22 on-duty. Additionally, nothing contained ~~herein~~ in this  
23 subdivision shall be deemed or construed as amending,  
24 modifying, or extending the tort liability of any municipality

1 as a result of any action or inaction on the part of an  
2 off-duty police officer.

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

7 "(6) With intent to cause physical injury to a  
8 health care worker, including a nurse, physician, technician,  
9 or any other person employed by or practicing at a hospital as  
10 defined in Section 22-21-20; a county or district health  
11 department; a long-term care facility; ~~or~~ a physician's  
12 office, clinic, or outpatient treatment facility during the  
13 course of or as a result of the performance of the duties of  
14 the health care worker or other person employed by or  
15 practicing at the hospital; the county or district health  
16 department; any health care facility owned or operated by the  
17 State of Alabama; the long-term care facility; ~~or~~ the  
18 physician's office, clinic, or outpatient treatment facility;  
19 or a pharmacist, pharmacy technician, pharmacy intern,  
20 pharmacy extern, or pharmacy cashier; he or she causes  
21 physical injury to any person. This subdivision shall apply to  
22 assaults on home health care workers while they are in a  
23 private residence. This subdivision shall not apply to  
24 assaults by patients who are impaired by medication ~~or to~~

1 ~~assaults on home health care workers while they are in private~~  
2 ~~residences.~~

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

9           "(8) With intent to cause physical injury to a  
10 Department of Human Resources employee or any employee  
11 performing social work, as defined in Section 34-30-1, during  
12 or as a result of the performance of his or her duty, he or  
13 she causes physical injury to any person.

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

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

1           Section 2. Although this bill would have as its  
2 purpose or effect the requirement of a new or increased  
3 expenditure of local funds, the bill is excluded from further  
4 requirements and application under Amendment 621, as amended  
5 by Amendment 890, now appearing as Section 111.05 of the  
6 Official Recompilation of the Constitution of Alabama of 1901,  
7 as amended, because the bill defines a new crime or amends the  
8 definition of an existing crime.

9           Section 3. 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.

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President and Presiding Officer of the Senate

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Speaker of the House of Representatives

SB90

Senate 02-FEB-22

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris,  
Secretary.

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House of Representatives  
Passed: 05-APR-22

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By: Senator Weaver