

HB132 INTRODUCED



1 HB132
2 CXSP1JW-1
3 By Representative Estes
4 RFD: Judiciary
5 First Read: 13-Jan-26
6 PFD: 07-Jan-26



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4 SYNOPSIS:

5 Under existing law, a person commits the crime
6 of assault in the third degree if, with intent to cause
7 physical injury to another person, he or she causes
8 physical injury to any person.

9 This bill would provide that a person commits
10 the crime of assault in the second degree if, with
11 intent to cause physical injury to a child in an
12 educational environment, he or she causes physical
13 injury to any person.

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16 A BILL

17 TO BE ENTITLED

18 AN ACT

19
20 Relating to crimes and offenses; to amend Section
21 13A-6-21, Code of Alabama 1975; to revise the crime of assault
22 in the second degree.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

26 "§13A-6-21

27 (a) A person commits the crime of assault in the second
28 degree if the person does any of the following:



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29 (1) With intent to cause serious physical injury to
30 another person, he or she causes serious physical injury to
31 any person.

32 (2) With intent to cause physical injury to another
33 person, he or she causes physical injury to any person by
34 means of a deadly weapon or a dangerous instrument.

35 (3) He or she recklessly causes serious physical injury
36 to another person by means of a deadly weapon or a dangerous
37 instrument.

45 b. For the purpose of this subdivision, a person who is
46 a peace officer who is employed or under contract while off
47 duty by a private or public entity is a peace officer
48 performing a lawful duty when the person is working in his or
49 her approved uniform while off duty with the approval of his
50 or her employing law enforcement agency. Provided, however,
51 ~~that nothing~~ Nothing contained in this subdivision shall be
52 deemed or construed as amending, modifying, or extending the
53 classification of a peace officer as ~~off-duty~~ off duty for
54 workers' compensation purposes or any other benefits to which
55 a peace officer may otherwise be entitled to under law when
56 considered ~~on-duty~~ on duty. Additionally, nothing contained in



57 this subdivision shall be deemed or construed as amending,
58 modifying, or extending the tort liability of any municipality
59 as a result of any action or inaction on the part of an
60 off-duty police officer.

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

65 (6) With intent to cause physical injury to a health
66 care worker, including a nurse, physician, technician, or any
67 other person employed by or practicing at a hospital as
68 defined in Section 22-21-20; a county or district health
69 department; a long-term care facility; a physician's office,
70 clinic, or outpatient treatment facility during the course of
71 or as a result of the performance of the duties of the health
72 care worker or other person employed by or practicing at the
73 hospital; the county or district health department; any health
74 care facility owned or operated by the State of Alabama; the
75 long-term care facility; the physician's office, clinic, or
76 outpatient treatment facility; or a pharmacist, pharmacy
77 technician, pharmacy intern, pharmacy extern, or pharmacy
78 cashier; he or she causes physical injury to any person. This
79 subdivision shall apply to assaults on home health care
80 workers while they are in a private residence. This
81 subdivision shall not apply to assaults by patients who are
82 impaired by medication.

83 (7) For a purpose other than lawful medical or
84 therapeutic treatment, he or she intentionally causes stupor,



85 unconsciousness, or other physical or mental impairment or
86 injury to another person by administering to him or her,
87 without his or her consent, a drug, substance, or preparation
88 capable of producing the intended harm.

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

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

98 (10) With intent to cause physical injury to a child,
99 as defined in Section 16-22A-3, located in an educational
100 environment, as defined in Section 16-22A-3, he or she causes
101 physical injury to any person.

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

103 (c) For the purposes of this section, "utility worker"
104 means any person who is employed by an entity that owns,
105 operates, leases, or controls any plant, property, or facility
106 for the generation, transmission, manufacture, production,
107 supply, distribution, sale, storage, conveyance, delivery, or
108 furnishing to or for the public of electricity, natural or
109 manufactured gas, water, steam, sewage, or telephone service,
110 including two or more utilities rendering joint service."

111 Section 2. This act shall become effective on October
112 1, 2026.