

1 SB521  
2 117468-1  
3 By Senator Marsh  
4 RFD: Judiciary  
5 First Read: 09-MAR-10

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8 SYNOPSIS: Existing law provides for the crime of  
9 child abuse and aggravated child abuse but does not  
10 include in those crimes a prohibition against  
11 exposing a child to domestic violence.

12 This bill would provide for the existing  
13 crime of aggravated child abuse to be aggravated  
14 child abuse in the first degree and would make  
15 exposing a child to domestic violence aggravated  
16 child abuse in the second degree, with additional  
17 penalties.

18 Amendment 621 of the Constitution of Alabama  
19 of 1901, now appearing as Section 111.05 of the  
20 Official Recompilation of the Constitution of  
21 Alabama of 1901, as amended, prohibits a general  
22 law whose purpose or effect would be to require a  
23 new or increased expenditure of local funds from  
24 becoming effective with regard to a local  
25 governmental entity without enactment by a 2/3 vote  
26 unless: it comes within one of a number of  
27 specified exceptions; it is approved by the

1 affected entity; or the Legislature appropriates  
2 funds, or provides a local source of revenue, to  
3 the entity for the purpose.

4 The purpose or effect of this bill would be  
5 to require a new or increased expenditure of local  
6 funds within the meaning of the amendment. However,  
7 the bill does not require approval of a local  
8 governmental entity or enactment by a 2/3 vote to  
9 become effective because it comes within one of the  
10 specified exceptions contained in the amendment.

11  
12 A BILL  
13 TO BE ENTITLED  
14 AN ACT  
15

16 To amend Section 26-15-3.1 of the Code of Alabama  
17 1975, relating to aggravated child abuse, to provide for the  
18 existing crime of aggravated child abuse to be designated as  
19 aggravated child abuse in the first degree; to make exposing a  
20 child to domestic violence aggravated child abuse in the  
21 second degree; to impose additional penalties; and in  
22 connection therewith to have as its purpose or effect the  
23 requirement of a new or increased expenditure of local funds  
24 within the meaning of Amendment 621 of the Constitution of  
25 Alabama of 1901, now appearing as Section 111.05 of the  
26 Official Recompilation of the Constitution of Alabama of 1901,  
27 as amended.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. Section 26-15-3.1 of the Code of Alabama  
3 1975, is amended to read as follows:

4 "§26-15-3.1.

5 "(a) A responsible person, as defined in Section  
6 26-15-2, commits the crime of aggravated child abuse in the  
7 first degree if he or she does any of the following:

8 "(1) He or she violates the provisions of Section  
9 26-15-3 by acts taking place on more than one occasion.

10 "(2) He or she violates Section 26-15-3 and in so  
11 doing also violates a court order concerning the parties or  
12 injunction.

13 "(3) He or she violates the provisions of Section  
14 26-15-3 which causes serious physical injury, as defined in  
15 Section 13A-1-2, to the child.

16 "(b) The crime of aggravated child abuse in the  
17 first degree is a Class B felony.

18 Section 2. (a) A responsible person, as defined in  
19 Section 26-15-2, commits the crime of aggravated child abuse  
20 in the second degree if he or she does any of the following:

21 (1) The person, who is the primary aggressor,  
22 intentionally allows a child under the age of 18 years to  
23 witness the commission of domestic violence in the first,  
24 second, or third degree.

25 (2) The person, who is the primary aggressor, having  
26 knowledge that a child under the age of 18 years is present

1 and can see or hear the act, commits domestic violence in the  
2 first, second, or third degree.

3 (b) The crime of aggravated child abuse in the  
4 second degree is a Class A misdemeanor.

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

13 Section 4. This act shall become effective on the  
14 first day of the third month following its passage and  
15 approval by the Governor, or its otherwise becoming law.