

1 HB219  
2 126054-2  
3 By Representatives Wood, Ball, Hurst, Laird, Greer, Bridges  
4 and Boothe  
5 RFD: Judiciary  
6 First Read: 10-MAR-11

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ENGROSSED

A BILL  
TO BE ENTITLED  
AN ACT

To amend Section 13A-6-21 of the Code of Alabama 1975, as amended by Act 2010-565, 2010 Regular Session, Acts 2010, p. 1145), providing the crime of assault in the second degree, to further provide when a peace officer employed by a private entity is a peace officer performing a lawful duty for the purpose of certain assaults; 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 Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 13A-6-21 of the Code of Alabama 1975, as amended by Act 2010-565, 2010 Regular Session, Acts 2010, p. 1145), 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           "(1) With intent to cause serious physical injury to  
2 another person, he or she causes serious physical injury to  
3 any person.

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

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

10           "(4) With intent to prevent a peace officer, as  
11 defined in Section 36-21-60, a detention or correctional  
12 officer at any municipal or county jail or state penitentiary,  
13 emergency medical personnel, a utility worker, or a  
14 firefighter from performing a lawful duty, he or she intends  
15 to cause physical injury and he or she causes physical injury  
16 to any person. For the purpose of this subdivision, a person  
17 who is a peace officer who is employed or under contract while  
18 off duty by a private or public entity is a peace officer  
19 performing a lawful duty when the person is working in his or  
20 her approved uniform while off duty with the approval of his  
21 or her employing law enforcement agency.

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

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

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

23           "(b) Assault in the second degree is a Class C  
24 felony.

25           "(c) For the purposes of this section, utility  
26 worker means any person who is employed by an entity that

1 owns, operates, leases, or controls any plant, property, or  
2 facility for the generation, transmission, manufacture,  
3 production, supply, distribution, sale, storage, conveyance,  
4 delivery, or furnishing to or for the public of electricity,  
5 natural or manufactured gas, water, steam, sewage, or  
6 telephone service, including two or more utilities rendering  
7 joint service."

8           Section 2. Although this bill would have as its  
9 purpose or effect the requirement of a new or increased  
10 expenditure of local funds, the bill is excluded from further  
11 requirements and application under Amendment 621, now  
12 appearing as Section 111.05 of the Official Recompilation of  
13 the Constitution of Alabama of 1901, as amended, because the  
14 bill defines a new crime or amends the definition of an  
15 existing crime.

16           Section 3. This act shall become effective  
17 immediately following its passage and approval by the  
18 Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-  
ferred to the House of Representa-  
tives committee on Judiciary ..... 10-MAR-11

Read for the second time and placed  
on the calendar 1 amendment ..... 24-MAR-11

Read for the third time and passed  
as amended..... 14-APR-11

Yeas 95, Nays 0, Abstains 0

Greg Pappas  
Clerk