

1 HB219  
2 126054-3  
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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ENROLLED, 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) With intent to cause serious physical injury to another person, he or she causes serious physical injury to any person.

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

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

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

19           Provided, however, that nothing contained herein  
20 shall be deemed or construed as amending, modifying or  
21 extending the classification of a peace officer as off-duty  
22 for workers compensation purposes or any other benefits to  
23 which a peace officer may otherwise be entitled to under law  
24 when considered on-duty. Additionally, nothing contained  
25 herein shall be deemed or construed as amending, modifying or

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

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

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

24 "(7) For a purpose other than lawful medical or  
25 therapeutic treatment, he or she intentionally causes stupor,

1 unconsciousness, or other physical or mental impairment or  
2 injury to another person by administering to him or her,  
3 without his or her consent, a drug, substance or preparation  
4 capable of producing the intended harm.

5 "(b) Assault in the second degree is a Class C  
6 felony.

7 "(c) For the purposes of this section, utility  
8 worker means any person who is employed by an entity that  
9 owns, operates, leases, or controls any plant, property, or  
10 facility for the generation, transmission, manufacture,  
11 production, supply, distribution, sale, storage, conveyance,  
12 delivery, or furnishing to or for the public of electricity,  
13 natural or manufactured gas, water, steam, sewage, or  
14 telephone service, including two or more utilities rendering  
15 joint service."

16 Section 2. Although this bill would have as its  
17 purpose or effect the requirement of a new or increased  
18 expenditure of local funds, the bill is excluded from further  
19 requirements and application under Amendment 621, now  
20 appearing as Section 111.05 of the Official ReCompilation of  
21 the Constitution of Alabama of 1901, as amended, because the  
22 bill defines a new crime or amends the definition of an  
23 existing crime.

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

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Speaker of the House of Representatives

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President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in  
and was passed by the House 14-APR-11, as amended.

Greg Pappas  
Clerk

Senate	02-JUN-11	Amended and Passed
House	02-JUN-11	Concurred in Senate Amendment