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3 HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR HB237
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8 SYNOPSIS: Under existing law, it is a Class B felony
9 to commit assault in the first degree and a Class C
10 felony to commit assault in the second degree.

11 This bill would provide enhanced criminal
12 penalties for assault in the first degree and
13 second degree if the victim of the crime was a law
14 enforcement officer, as defined by the act, a
15 firefighter, paramedic, emergency medical
16 technician, rescue squad member, or correctional
17 officer.

18 This bill would also provide enhanced
19 penalties if the victim of the crime of menacing is
20 a law enforcement officer, firefighter, paramedic,
21 emergency medical technician, or rescue squad
22 member.

23 Amendment 621 of the Constitution of Alabama
24 of 1901, now appearing as Section 111.05 of the
25 Official Recompilation of the Constitution of
26 Alabama of 1901, as amended, prohibits a general
27 law whose purpose or effect would be to require a

1 new or increased expenditure of local funds from
2 becoming effective with regard to a local
3 governmental entity without enactment by a 2/3 vote
4 unless: it comes within one of a number of
5 specified exceptions; it is approved by the
6 affected entity; or the Legislature appropriates
7 funds, or provides a local source of revenue, to
8 the entity for the purpose.

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

16
17 A BILL
18 TO BE ENTITLED
19 AN ACT
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21 Relating to public safety; to add Section 13A-6-22.2
22 to the Code of Alabama 1975, to provide enhanced criminal
23 penalties for assault in the first or second degree if the
24 victim of the crime was a law enforcement officer, including a
25 correction officer, firefighter, paramedic, rescue squad
26 member, or emergency medical technician; to amend Section
27 13A-6-23, Code of Alabama 1975, to increase the penalties for

1 the crime of menacing; to provide enhanced criminal penalties
2 if the victim of the crime was a law enforcement officer,
3 firefighter, paramedic, emergency medical technician, or
4 rescue squad member; and in connection therewith would have as
5 its purpose or effect the requirement of a new or increased
6 expenditure of local funds within the meaning of Amendment 621
7 of the Constitution of Alabama of 1901, now appearing as
8 Section 111.05 of the Official Recompilation of the
9 Constitution of Alabama of 1901, as amended.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. This act shall be known and may be cited
12 as the "Law Enforcement Protection Act of 2017" and may also
13 be cited as the "Justin David Sollohub Law."

14 Section 2. Section 13A-6-22.2 is added to the Code
15 of Alabama 1975, to read as follows:

16 §13A-6-22.2.

17 (a) A person who commits assault in the first degree
18 under Section 13A-6-20 is guilty of a Class A felony if the
19 victim of the offense was a law enforcement officer,
20 firefighter, paramedic, emergency medical technician, or
21 rescue squad member while engaged in his or her duties or if
22 the offense was committed on account of the victim's status as
23 a law enforcement officer, firefighter, paramedic, emergency
24 medical technician, or rescue squad member.

25 (b) A person who commits assault in the second
26 degree under Section 13A-6-21 is guilty of a Class B felony if
27 the victim of the offense was a law enforcement officer,

1 firefighter, paramedic, emergency medical technician, or
2 rescue squad member while engaged in his or her duties or if
3 the offense was committed on account of the victim's status as
4 a law enforcement officer, firefighter, paramedic, emergency
5 medical technician, or rescue squad member.

6 (c) For the purposes of this section, the following
7 terms shall have the following meanings:

8 (1) LAW ENFORCEMENT OFFICER. Any of the following
9 individuals employed or serving in any county, municipality,
10 state agency, department, board, commission, or institution as
11 defined in Section 36-21-40 or Section 11-43-210:

12 a. An officer with the power of arrest.

13 b. A sheriff.

14 c. A constable.

15 d. A reserve officer serving without compensation.

16 e. A correctional officer with responsibility for
17 the care and custody of inmates.

18 (2) EMERGENCY MEDICAL TECHNICIAN. A person who has
19 successfully completed an emergency medical technician or
20 advanced emergency medical technician course of instruction,
21 or its equivalent, as approved by the State Board of Health,
22 has passed the state EMT examination, and has been granted a
23 license by the State Board of Health.

24 (3) FIREFIGHTER. Any firefighter as certified by the
25 Alabama Firefighters Personnel Standards and Education
26 Commission. The term includes any volunteer firefighter who is

1 a member of a certified volunteer fire department under
2 Section 9-3-17.

3 (4) PARAMEDIC. Any person who has successfully
4 completed the paramedic course of instruction, or its
5 equivalent, as approved by the State Board of Health, passed
6 the state EMT-paramedic examination, and has been granted a
7 license by the State Board of Health.

8 (5) RESCUE SQUAD MEMBER. A member of an organized
9 rescue squad of a city, town, county, or other subdivision of
10 the state or a public corporation, organized for the purpose
11 of providing, within the scope of his or her practice: First
12 aid, treatment or transport of the sick or injured; rescue or
13 recovery operations at incidents of drowning; search and
14 rescue of individuals lost or incapable of self-rescue; or any
15 other emergency or non-emergency incident where the services
16 provided by the rescue squad are deemed necessary for incident
17 stabilization. The term includes all commanders, officers, and
18 members of organized rescue squads that are members of the
19 Alabama Association of Rescue Squads.

20 Section 3. Section 13A-6-23, Code of Alabama 1975,
21 is amended to read as follows:

22 "§13A-6-23.

23 "(a) A person commits the crime of menacing if, by
24 physical action, he or she intentionally places or attempts to
25 place another person in fear of imminent serious physical
26 injury.

1 "(b) Menacing is a Class B misdemeanor, unless the
2 victim of menacing is a law enforcement officer, firefighter,
3 paramedic, emergency medical technician, or rescue squad
4 member, as defined in Section 13A-6-22.2, while engaged in his
5 or her duties or if the offense was committed on account of
6 the victim's status as a law enforcement officer, firefighter,
7 paramedic, emergency medical technician, or rescue squad
8 member, the offense is a Class A misdemeanor."

9 Section 4. Although this bill would have as its
10 purpose or effect the requirement of a new or increased
11 expenditure of local funds, the bill is excluded from further
12 requirements and application under Amendment 621, now
13 appearing as Section 111.05 of the Official Recompilation of
14 the Constitution of Alabama of 1901, as amended, because the
15 bill defines a new crime or amends the definition of an
16 existing crime.

17 Section 5. This act shall become effective on the
18 first day of the third month following its passage and
19 approval by the Governor, or its otherwise becoming law.