

1 HB237
2 181688-2
3 By Representatives Pettus, Hanes, Harbison, Johnson (K),
4 Shedd, Lovvorn, Garrett, Greer, Patterson, Ball, Williams (P),
5 Ledbetter, Standridge, Sessions, Weaver, Harper and Crawford
6 RFD: Judiciary
7 First Read: 14-FEB-17

2
3
4
5
6
7
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, or correctional officer.

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

1 funds, or provides a local source of revenue, to
2 the entity for the purpose.

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

10
11 A BILL
12 TO BE ENTITLED
13 AN ACT
14

15 Relating to public safety; to add Section 13A-6-22.2
16 to the Code of Alabama 1975, to provide enhanced criminal
17 penalties for assault in the first or second degree if the
18 victim of the crime was a law enforcement officer, including a
19 correction officer, firefighter, paramedic, or emergency
20 medical technician; and in connection therewith would have as
21 its purpose or effect the requirement of a new or increased
22 expenditure of local funds within the meaning of Amendment 621
23 of the Constitution of Alabama of 1901, now appearing as
24 Section 111.05 of the Official ReCompilation of the
25 Constitution of Alabama of 1901, as amended.
26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

6 §13A-6-22.2.

7 (a) A person who commits assault in the first degree
8 under Section 13A-6-20 is guilty of a Class A felony if the
9 victim of the offense was a law enforcement officer,
10 firefighter, paramedic, or emergency medical technician while
11 engaged in his or her duties or if the offense was committed
12 on account of the victim's status as a law enforcement
13 officer, firefighter, paramedic, or emergency medical
14 technician.

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

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

25 (1) LAW ENFORCEMENT OFFICER. Any of the following
26 individuals employed or serving in any county, municipality,

1 state agency, department, board, commission, or institution as
2 defined in Section 36-21-40 or Section 11-43-210:

- 3 a. An officer with the power of arrest.
- 4 b. A sheriff.
- 5 c. A constable.
- 6 d. A reserve officer serving without compensation.
- 7 e. A correctional officer with responsibility for
8 the care and custody of inmates.

9 (2) EMERGENCY MEDICAL TECHNICIAN. A person who has
10 successfully completed an emergency medical technician or
11 advanced emergency medical technician course of instruction,
12 or its equivalent, as approved by the State Board of Health,
13 has passed the state EMT examination, and has been granted a
14 license by the State Board of Health.

15 (3) FIREFIGHTER. Any firefighter as certified by the
16 Alabama Firefighters Personnel Standards and Education
17 Commission. The term includes any volunteer firefighter who is
18 a member of a certified volunteer fire department under
19 Section 9-3-17.

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

25 Section 3. Although this bill would have as its
26 purpose or effect the requirement of a new or increased
27 expenditure of local funds, the bill is excluded from further

1 requirements and application under Amendment 621, now
2 appearing as Section 111.05 of the Official ReCompilation of
3 the Constitution of Alabama of 1901, as amended, because the
4 bill defines a new crime or amends the definition of an
5 existing crime.

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