

1 HB67
2 181336-1
3 By Representative Sells
4 RFD: Judiciary
5 First Read: 07-FEB-17
6 PFD: 01/27/2017

2
3
4
5
6
7
8 SYNOPSIS: Existing law provides for the crime of
9 aggravated child abuse when a person commits
10 repeated acts of physical or mental abuse of a
11 child or causes serious physical injury. Aggravated
12 child abuse is a Class B felony. Existing law also
13 provides that when a person commits repeated acts
14 of physical or mental abuse on or causes serious
15 physical injury to a child under the age of six
16 years, the penalty is a Class A felony.

17 This bill would provide that it is a Class A
18 felony when a person commits repeated acts of
19 physical or mental abuse on or causes serious
20 physical injury to a child under the age of 12
21 years.

22 Amendment 621 of the Constitution of Alabama
23 of 1901 prohibits a general law whose purpose or
24 effect would be to require a new or increased
25 expenditure of local funds from becoming effective
26 with regard to a local governmental entity without
27 enactment by a 2/3 vote unless: it comes within one

1 of a number of specified exceptions; it is approved
2 by the affected entity; or the Legislature
3 appropriates funds, or provides a local source of
4 revenue, to the entity for the purpose.

5 The purpose or effect of this bill would be
6 to require a new or increased expenditure of local
7 funds within the meaning of Amendment 621. However,
8 the bill does not require approval of a local
9 governmental entity or enactment by a 2/3 vote to
10 become effective because it comes within one of the
11 specified exceptions contained in Amendment 621.

12
13 A BILL
14 TO BE ENTITLED
15 AN ACT
16

17 Relating to child abuse; to amend Section 26-15-3.1
18 of the Code of Alabama 1975, as added by Act 2016-43, 2016
19 Regular Session, to provide that aggravated child abuse of a
20 child under age 12 is a Class A felony; and in connection
21 therewith would have as its purpose or effect the requirement
22 of a new or increased expenditure of local funds within the
23 meaning of Amendment 621 of the Constitution of Alabama of
24 1901.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Section 26-15-3.1, Code of Alabama 1975,
2 as added by Act 2016-43, 2016 Regular Session, is amended to
3 read as follows:

4 "§26-15-3.1.

5 "(a) (1) A responsible person, as defined in Section
6 26-15-2, commits the crime of aggravated child abuse if he or
7 she does any of the following:

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

10 "b. 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 "c. 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 "(2) The crime of aggravated child abuse is a Class
17 B felony.

18 "(b) (1) A responsible person, as defined in Section
19 26-15-2, commits the crime of aggravated child abuse of a
20 child under the age of ~~six~~ 12 if he or she does any of the
21 following to a child under the age of ~~six~~ 12 years:

22 "a. He or she violates the provisions of Section
23 26-15-3 by acts taking place on more than two occasions.

24 "b. He or she violates Section 26-15-3 and in so
25 doing also violates a court order concerning the parties or
26 injunction.

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

4 "(2) The crime of aggravated child abuse of a child
5 under the age of ~~six~~ 12 is a Class A felony."

6 Section 2. Although this bill would have as its
7 purpose or effect the requirement of a new or increased
8 expenditure of local funds, the bill is excluded from further
9 requirements and application under Amendment 621 because the
10 bill defines a new crime or amends the definition of an
11 existing crime.

12 Section 3. This act shall become effective on the
13 first day of the third month following its passage and
14 approval by the Governor, or its otherwise becoming law.