

1 HB227  
2 189664-1  
3 By Representative Sells  
4 RFD: Judiciary  
5 First Read: 16-JAN-18

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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 14  
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  
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17 Relating to child abuse; to amend Section 26-15-3.1  
18 of the Code of Alabama 1975, to provide that aggravated child  
19 abuse of a child under age 14 is a Class A felony; and in  
20 connection therewith would have as its purpose or effect the  
21 requirement of a new or increased expenditure of local funds  
22 within the meaning of Amendment 621 of the Constitution of  
23 Alabama of 1901.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. Section 26-15-3.1, Code of Alabama 1975,  
26 is amended to read as follows:

27 "§26-15-3.1.

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

4           "a. He or she violates the provisions of Section  
5 26-15-3 by acts taking place on more than one occasion.

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

9           "c. He or she violates the provisions of Section  
10 26-15-3 which causes serious physical injury, as defined in  
11 Section 13A-1-2, to the child.

12           "(2) The crime of aggravated child abuse is a Class  
13 B felony.

14           "(b) (1) A responsible person, as defined in Section  
15 26-15-2, commits the crime of aggravated child abuse of a  
16 child under the age of ~~six~~ 14 if he or she does any of the  
17 following to a child under the age of ~~six~~ 14 years:

18           "a. He or she violates the provisions of Section  
19 26-15-3 by acts taking place on more than two occasions.

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

23           "c. He or she violates the provisions of Section  
24 26-15-3 which causes serious physical injury, as defined in  
25 Section 13A-1-2, to the child.

26           "(2) The crime of aggravated child abuse of a child  
27 under the age of ~~six~~ 14 is a Class A felony."

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

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