

1 HB116  
2 203981-1  
3 By Representative Chestnut  
4 RFD: Judiciary  
5 First Read: 04-FEB-20

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8 SYNOPSIS: Under existing law, a person commits the  
9 crime of assault in the second degree if the  
10 person, with intent to cause physical injury to a  
11 teacher, employee of a public educational  
12 institution, or health care worker during or as a  
13 result of the performance of his or her duties,  
14 causes physical injury to any person.

15 This bill would provide that a person  
16 commits the crime of assault in the second degree  
17 if the person, with intent to cause physical injury  
18 to a journalist, during or as a result of the  
19 performance of the journalist's duties, causes  
20 physical injury to any person.

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

1 by the affected entity; or the Legislature  
2 appropriates funds, or provides a local source of  
3 revenue, to the entity for the purpose.

4 The purpose or effect of this general law  
5 would be to require a new or increased expenditure  
6 of local funds within the meaning of Amendment 621.  
7 If this bill is not enacted by a 2/3 vote, it will  
8 not become effective with regard to a local entity  
9 unless approved by the local entity or until, and  
10 only as long as, the Legislature appropriates funds  
11 or provides for a local source of revenue.

12  
13 A BILL  
14 TO BE ENTITLED  
15 AN ACT  
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17 Relating to the crime of assault; to amend Section  
18 13A-6-21, Code of Alabama 1975, to provide that a person  
19 commits the crime of assault in the second degree if the  
20 person, with intent to cause physical injury to a journalist,  
21 during or as a result of the performance of the journalist's  
22 duties, causes physical injury to any person; and in  
23 connection therewith would have as its purpose or effect the  
24 requirement of a new or increased expenditure of local funds.  
25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

26 Section 1. Section 13A-6-21, Code of Alabama 1975,  
27 is amended to read as follows:

1           "§13A-6-21.

2           "(a) A person commits the crime of assault in the  
3 second degree if the person does any of the following:

4           "(1) With intent to cause serious physical injury to  
5 another person, he or she causes serious physical injury to  
6 any person.

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

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

13           "(4) With intent to prevent a peace officer, as  
14 defined in Section 36-21-60, a detention or correctional  
15 officer at any municipal or county jail or state penitentiary,  
16 emergency medical personnel, a utility worker, or a  
17 firefighter from performing a lawful duty, he or she intends  
18 to cause physical injury and he or she causes physical injury  
19 to any person. For the purpose of this subdivision, a person  
20 who is a peace officer who is employed or under contract while  
21 off duty by a private or public entity is a peace officer  
22 performing a lawful duty when the person is working in his or  
23 her approved uniform while off duty with the approval of his  
24 or her employing law enforcement agency. Provided, however,  
25 that nothing contained herein shall be deemed or construed as  
26 amending, modifying, or extending the classification of a  
27 peace officer as off-duty for workers compensation purposes or

1 any other benefits to which a peace officer may otherwise be  
2 entitled to under law when considered on-duty. Additionally,  
3 nothing contained herein shall be deemed or construed as  
4 amending, modifying, or extending the tort liability of any  
5 municipality as a result of any action or inaction on the part  
6 of an off-duty police officer.

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

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

1           "(7) For a purpose other than lawful medical or  
2 therapeutic treatment, he or she intentionally causes stupor,  
3 unconsciousness, or other physical or mental impairment or  
4 injury to another person by administering to him or her,  
5 without his or her consent, a drug, substance or preparation  
6 capable of producing the intended harm.

7           "(8) With intent to cause physical injury to a  
8 journalist during or as a result of the performance of the  
9 journalist's duties, he or she causes physical injury to any  
10 person. It shall be an affirmative defense to this subdivision  
11 if the journalist initially and physically impedes the freedom  
12 of movement of the person; or, if the journalist impedes law  
13 enforcement or first responders from carrying out their duties  
14 at the scene of an investigation or accident.

15           "(b) Assault in the second degree is a Class C  
16 felony.

17           "(c) For the purposes of this section, utility  
18 worker means any person who is employed by an entity that  
19 owns, operates, leases, or controls any plant, property, or  
20 facility for the generation, transmission, manufacture,  
21 production, supply, distribution, sale, storage, conveyance,  
22 delivery, or furnishing to or for the public of electricity,  
23 natural or manufactured gas, water, steam, sewage, or  
24 telephone service, including two or more utilities rendering  
25 joint service.

26           "(d) For the purposes of this section, journalist  
27 means any person who is an employee, independent contractor,

1 or agent of an entity or service that disseminates news or  
2 information by means of a newspaper, nonfiction book, wire  
3 service, news agency, news website, mobile application or  
4 other news or information service, whether distributed  
5 digitally or otherwise, news program, magazine, or other  
6 periodical, whether in print, electronic, or other format, or  
7 through television broadcast, radio broadcast, multichannel  
8 video programming distributor, as the term is defined in  
9 Section 602(13) of the Communications Act of 1934, Title 47  
10 United States Code Section 522, or motion picture for public  
11 showing, and engages in newsgathering with the primary intent  
12 to investigate events or procure material in order to  
13 disseminate to the public news or information concerning  
14 local, national, or international events or other matters of  
15 public interest."

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.

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