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SYNOPSIS:

Under existing law, child abuse is a Class C felony.

This bill would define "mistreat" to include intentional behavior that inflicts unnecessary or unjustifiable pain or suffering on a child without causing physical injury to the child and would expand the definition of "child abuse" to include willful mistreatment.

Section 111.05 of the Constitution of Alabama of 2022, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the affected entity; or the Legislature appropriates funds, or provides a local source of revenue, to the entity for the purpose.

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



29 contained in the amendment.

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A BILL

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TO BE ENTITLED

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AN ACT

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37 Relating to child abuse; to amend Sections 26-15-2 and
38 26-15-3, Code of Alabama 1975; to further define the crime of
39 child abuse to include willful mistreatment; and in connection
40 therewith would have as its purpose or effect the requirement
41 of a new or increased expenditure of local funds within the
42 meaning of Section 111.05 of the Constitution of Alabama of
43 2022.

44 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

45 Section 1. Sections 26-15-2 and 26-15-3, Code of
46 Alabama 1975, are amended to read as follows:

47 "§26-15-2

48 As used in this chapter, the following terms shall have
49 the following meanings:

50 (1) CHEMICAL SUBSTANCE. A substance intended to be used
51 as a precursor in the manufacture of a controlled substance,
52 or any other chemical intended to be used in the manufacture
53 of a controlled substance. Intent under this subdivision may
54 be demonstrated by the substance's use, quantity, manner of
55 storage, or proximity to other precursors, or to manufacturing
56 equipment.



57 (2) CONTROLLED SUBSTANCE. Controlled substance as
58 defined in subdivision (4) of Section 20-2-2.

59 (3) DRUG PARAPHERNALIA. Drug paraphernalia as defined
60 in Section 13A-12-260.

61 (4) MISTREAT. Any intentional behavior that inflicts
62 unnecessary or unjustifiable pain or suffering on a child
63 without causing physical injury to the child.

64 ~~(4)~~ (5) RESPONSIBLE PERSON. A child's natural parent,
65 stepparent, adoptive parent, legal guardian, custodian, or any
66 other person who has the permanent or temporary care or
67 custody or responsibility for the supervision of a child.

68 ~~(5)~~ (6) SERIOUS PHYSICAL INJURY. Serious physical injury
69 as defined in Section 13A-1-2."

70 "§26-15-3

71 A responsible person, ~~as defined in Section 26-15-2,~~
72 who shall torture, willfully abuse, willfully mistreat,
73 cruelly beat, or otherwise willfully maltreat any child under
74 the age of 18 years shall, on conviction, be guilty of a Class
75 C felony."

76 Section 2. Although this bill would have as its purpose
77 or effect the requirement of a new or increased expenditure of
78 local funds, the bill is excluded from further requirements
79 and application under Section 111.05 of the Constitution of
80 Alabama of 2022, because the bill defines a new crime or
81 amends the definition of an existing crime.

82 Section 3. This act shall become effective on the first
83 day of the third month following its passage and approval by



84 the Governor, or its otherwise becoming law.