

HB428 ENGROSSED



1 NGSVTT-2
2 By Representatives Starnes, Bolton, Pettus, Bedsole,
3 Wadsworth, Stringer
4 RFD: Judiciary
5 First Read: 03-May-23
6 2023 Regular Session



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A BILL
TO BE ENTITLED
AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§26-15-2

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

(1) CHEMICAL SUBSTANCE. A substance intended to be used as a precursor in the manufacture of a controlled substance, or any other chemical intended to be used in the manufacture



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29 of a controlled substance. Intent under this subdivision may
30 be demonstrated by the substance's use, quantity, manner of
31 storage, or proximity to other precursors, or to manufacturing
32 equipment.

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

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

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

40 ~~(4)~~ (5) RESPONSIBLE PERSON. A child's natural parent,
41 stepparent, adoptive parent, legal guardian, custodian, or any
42 other person who has the permanent or temporary care or
43 custody or responsibility for the supervision of a child.

44 ~~(5)~~ (6) SERIOUS PHYSICAL INJURY. Serious physical injury
45 as defined in Section 13A-1-2."

46 "§26-15-3

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

52 Section 2. Although this bill would have as its purpose
53 or effect the requirement of a new or increased expenditure of
54 local funds, the bill is excluded from further requirements
55 and application under Section 111.05 of the Constitution of



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56 Alabama of 2022, because the bill defines a new crime or
57 amends the definition of an existing crime.

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



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House of Representatives

Read for the first time and referred03-May-23
to the House of Representatives
committee on Judiciary

Read for the second time and placed11-May-23
on the calendar:
0 amendments

Read for the third time and passed23-May-23
as amended
Yeas 101
Nays 0
Abstains 0

John Treadwell
Clerk