

HB428 INTRODUCED



1 NGSVTT-1
2 By Representatives Starnes, Bolton, Pettus, Bedsole,
3 Wadsworth, Stringer
4 RFD: Judiciary
5 First Read: 03-May-23
6
7 2023 Regular Session



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SYNOPSIS:

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

This bill would expand the definition of child abuse to include certain physical contact of a child five years of age or under and certain physical contact of children with certain mental or developmental disabilities who are 17 years of age or younger, provided the contact was committed with the intent to cause physical injury.

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



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29 because it comes within one of the specified exceptions
30 contained in the amendment. Under existing law, child
31 abuse is a Class C felony.

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33 abuse to include certain physical contact of a child
34 five years of age or under and certain physical contact
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36 disabilities who are 17 years of age or younger,
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A BILL
TO BE ENTITLED
AN ACT

Relating to child abuse; to amend Section 26-15-3, Code of Alabama 1975; to further provide for the crime of child abuse; and Relating to child abuse; to amend Section 26-15-3, Code of Alabama 1975; to

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 26-15-3, Code of Alabama 1975, is amended to read as follows:

"§26-15-3

(a) A person commits the crime of child abuse if he or she, being a responsible person, does any of the following as defined in Section 26-15-2, who shall torture, willfully abuse, cruelly beat, or otherwise willfully maltreat any child under the age of 18 years shall, on conviction, be guilty of :

(1) He or she tortures, willfully abuses, cruelly beats, or otherwise willfully maltreats a child 17 years of age or younger.

(2) With the intent to cause physical injury, he or she strikes, shoves, kicks, or otherwise subjects a child five years of age or younger to physical contact.

(3) With the intent to cause physical injury, he or she



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83 strikes, shoves, kicks, or subjects to physical contact a
84 child 17 years of age or younger in either of the following
85 scenarios:

86 a. The child is mentally or developmentally disabled or
87 has been diagnosed with a mental or developmental disorder.

88 b. The child is otherwise physically limited or unable
89 to communicate.

90 (b) Child abuse is a Class C felony.

91 (c) For the purposes of this section, the term
92 "physical injury" shall have the same meaning as 13A-1-2."

93 Section 2. Although this bill would have as its purpose
94 or effect the requirement of a new or increased expenditure of
95 local funds, the bill is excluded from further requirements
96 and application under Section 111.05 of the Constitution of
97 Alabama of 2022, because the bill defines a new crime or
98 amends the definition of an existing crime.

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