SB83 ENGROSSED



- 1 XDWOE7-2
- 2 By Senator Weaver
- 3 RFD: Judiciary
- 4 First Read: 21-Mar-23
- 5 2023 Regular Session

SB83 Engrossed



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9	A BILL
10	TO BE ENTITLED
11	AN ACT
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13	Relating to child abuse; to amend Sections 26-15-2 and
14	26-15-3, Code of Alabama 1975; to further define the crime of
15	child abuse to include willful mistreatment; and in connection
16	therewith would have as its purpose or effect the requirement
17	of a new or increased expenditure of local funds within the
18	meaning of Section 111.05 of the Constitution of Alabama of
19	2022.
20	BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
21	Section 1. Sections 26-15-2 and 26-15-3, Code of
22	Alabama 1975, are amended to read as follows:
23	" §26-15-2
24	As used in this chapter, the following terms shall have
25	the following meanings:
26	(1) CHEMICAL SUBSTANCE. A substance intended to be used
27	as a precursor in the manufacture of a controlled substance,
28	or any other chemical intended to be used in the manufacture

SB83 Engrossed



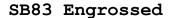
- of a controlled substance. Intent under this subdivision may
- 30 be demonstrated by the substance's use, quantity, manner of
- 31 storage, or proximity to other precursors, or to manufacturing
- 32 equipment.
- 33 (2) CONTROLLED SUBSTANCE. Controlled substance as
- defined in subdivision (4) of Section 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
- or effect the requirement of a new or increased expenditure of
- 54 local funds, the bill is excluded from further requirements
- and application under Section 111.05 of the Constitution of



SB83 Engrossed

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

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





61 62 63 Senate Read for the first time and referred21-Mar-23 64 to the Senate committee on Judiciary 65 66 67 Read for the second time and placed27-Apr-23 68 on the calendar: 1 amendment 69 70 Read for the third time and passed18-May-23 71 72 as amended 73 Yeas 31 Nays 0 74 Abstains 0 75 76 77 78 Patrick Harris, 79 Secretary.

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