

**SB83 ENGROSSED**



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



**SB83 Engrossed**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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



## SB83 Engrossed

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



## SB83 Engrossed

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.



## SB83 Engrossed

61  
62  
63 Senate

64 Read for the first time and referred .....21-Mar-23  
65 to the Senate committee on Judiciary

66  
67 Read for the second time and placed .....27-Apr-23  
68 on the calendar:

69 1 amendment

70  
71 Read for the third time and passed .....18-May-23  
72 as amended

73 Yeas 31

74 Nays 0

75 Abstains 0

76  
77  
78 Patrick Harris,  
79 Secretary.  
80