

SB83 ENROLLED



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



SB83 Enrolled

1 Enrolled, An Act,

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7 Relating to child abuse; to amend Sections 26-15-2 and
8 26-15-3, Code of Alabama 1975; to further define the crime of
9 child abuse to include willful mistreatment; and in connection
10 therewith would have as its purpose or effect the requirement
11 of a new or increased expenditure of local funds within the
12 meaning of Section 111.05 of the Constitution of Alabama of
13 2022.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

17 "§26-15-2

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

20 (1) CHEMICAL SUBSTANCE. A substance intended to be used
21 as a precursor in the manufacture of a controlled substance,
22 or any other chemical intended to be used in the manufacture
23 of a controlled substance. Intent under this subdivision may
24 be demonstrated by the substance's use, quantity, manner of
25 storage, or proximity to other precursors, or to manufacturing
26 equipment.

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



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

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

34 ~~(4)~~ (5) RESPONSIBLE PERSON. A child's natural parent,
35 stepparent, adoptive parent, legal guardian, custodian, or any
36 other person who has the permanent or temporary care or
37 custody or responsibility for the supervision of a child.

38 ~~(5)~~ (6) SERIOUS PHYSICAL INJURY. Serious physical injury
39 as defined in Section 13A-1-2."

40 "§26-15-3

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

46 Section 2. Although this bill would have as its purpose
47 or effect the requirement of a new or increased expenditure of
48 local funds, the bill is excluded from further requirements
49 and application under Section 111.05 of the Constitution of
50 Alabama of 2022, because the bill defines a new crime or
51 amends the definition of an existing crime.

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



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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB83

Senate 18-May-23

I hereby certify that the within Act originated in and passed
the Senate, as amended.

Patrick Harris,
Secretary.

House of Representatives

Passed: 01-Jun-23

By: Senator Weaver