

VOK0LP-1 : 03/21/2023 : CNB
AMENDMENT TO HB76
OFFERED BY JUDICIARY
OFFERED IN COMMITTEE BY SHANE STRINGER

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Replace line 11 on page 1 with the following:

This bill would provide that a grandparent,
step-grandparent, grandchild, or step-grandchild may

Replace line 37 on page 2 with the following:

13A-6-130, 13A-6-131, 13A-6-132, 13A-6-138, and 30-5-2,
Code of Alabama 1975, to

Replace lines 44 and 45 with the following:

Section 1. Sections 13A-6-130, 13A-6-131, 13A-6-132,
13A-6-138, and 30-5-2, Code of Alabama 1975, are amended
to read as

Replace line 54 on page 2 with the following:

step-child, grandparent, step-grandparent, grandchild,
step-grandchild, any person with whom the defendant

Replace line 101 on page 4 with the following:

step-parent, child, step-child, grandparent,
step-grandparent, grandchild, step-grandchild, any person
with

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27 Replace line 154 on page 6 with the following:

28 step-child, grandparent, step-grandparent, grandchild,
29 step-grandchild, any person with whom the defendant

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31 On page 7, after line 186, insert the following new code
32 sections:

33 "§13A-6-138

34 (a) For the purposes of this section, the
35 following terms have the following meanings:

36 (1) STRANGULATION. Intentionally causing asphyxia
37 by closure or compression of the blood vessels or air
38 passages of the neck as a result of external pressure on
39 the neck.

40 (2) SUFFOCATION. Intentionally causing asphyxia by
41 depriving a person of air or by preventing a person from
42 breathing through the inhalation of toxic gases or by
43 blocking or obstructing the airway of a person, by any
44 means other than by strangulation.

45 (b) A person commits the crime of domestic
46 violence by strangulation or suffocation if he or she
47 commits an assault with intent to cause physical harm or
48 commits the crime of menacing pursuant to Section
49 13A-6-23, by strangulation or suffocation or attempted
50 strangulation or suffocation and the victim is a current
51 or former spouse, parent, step-parent, child, step-child,
52 grandparent, step-grandparent, grandchild,

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53 step-grandchild, any person with whom the defendant has a
54 child in common, a present household member, or a person
55 who has or had a dating relationship with the defendant.
56 For the purpose of this section, a household member
57 excludes non-romantic or non-intimate co-residents, and a
58 dating relationship means a current or former
59 relationship of a romantic or intimate nature
60 characterized by the expectation of affectionate or
61 sexual involvement by either party.

62 (c) Domestic violence by strangulation or
63 suffocation is a Class B felony punishable as provided by
64 law."

65 "§30-5-2

66 In this chapter, the following words ~~shall~~ have
67 the following meanings unless the context clearly
68 indicates otherwise:

69 (1) ABUSE. An act committed against a victim,
70 which is any of the following:

71 a. Arson. Arson as defined under Sections 13A-7-40
72 to 13A-7-43, inclusive.

73 b. Assault. Assault as defined under Sections
74 13A-6-20 to 13A-6-22, inclusive.

75 c. Attempt. Attempt as defined under Section
76 13A-4-2.

77 d. Child Abuse. Torture or willful abuse of a
78 child, aggravated child abuse, or chemical endangerment

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79 of a child as provided in Chapter 15, commencing with
80 Section 26-15-1, of Title 26, known as the Alabama Child
81 Abuse Act.

82 e. Criminal Coercion. Criminal coercion as defined
83 under Section 13A-6-25.

84 f. Criminal Trespass. Criminal trespass as defined
85 under Sections 13A-7-2 to 13A-7-4.1, inclusive.

86 g. Harassment. Harassment as defined under Section
87 13A-11-8.

88 h. Kidnapping. Kidnapping as defined under
89 Sections 13A-6-43 and 13A-6-44.

90 i. Menacing. Menacing as defined under Section
91 13A-6-23.

92 j. Other Conduct. Any other conduct directed
93 toward a plaintiff covered by this chapter that could be
94 punished as a criminal act under the laws of this state.

95 k. Reckless Endangerment. Reckless endangerment as
96 defined under Section 13A-6-24.

97 l. Sexual Abuse. Any sexual offenses included in
98 Article 4, commencing with Section 13A-6-60, of Chapter 6
99 of Title 13A.

100 m. Stalking. Stalking as defined under Sections
101 13A-6-90 to 13A-6-94, inclusive.

102 n. Theft. Theft as defined under Sections 13A-8-1
103 to 13A-8-5, inclusive.

104 o. Unlawful Imprisonment. Unlawful imprisonment as

105 defined under Sections 13A-6-41 and 13A-6-42.

106 (2) COURT. A circuit court judge, a district court
107 judge appointed as a special circuit court judge pursuant
108 to law or a district court judge designated by a written
109 standing order from the presiding circuit court judge to
110 handle protection from abuse cases.

111 (3) DATING RELATIONSHIP. A relationship or former
112 relationship of a romantic or intimate nature
113 characterized by the expectation of affectionate or
114 sexual involvement by either party.

115 a. A dating relationship includes the period of
116 engagement to be married.

117 b. A dating relationship does not include a casual
118 or business relationship or a relationship that ended
119 more than 12 months prior to the filing of the petition
120 for a protection order.

121 (4) PLAINTIFF. An individual who has standing to
122 file a petition under Section 30-5-5.

123 (5) PROTECTION ORDER. Any order of protection from
124 abuse issued under this chapter for the purpose of
125 preventing acts of abuse as defined in this chapter.

126 (6) THREAT. Any word or action, expressed or
127 implied, made to cause the plaintiff to fear for his or
128 her safety or for the safety of another person.

129 (7) VICTIM. An individual who is related in any of
130 the following ways to the person who commits an act of

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abuse:

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a. Has a current or former marriage, including
common law marriage, with the defendant.

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b. Has a child in common with the defendant
regardless of whether the victim and defendant have ever
been married and regardless of whether they are currently
residing or have in the past resided together in the same
household.

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c. Has or had a dating relationship with the
defendant. A dating relationship does not include a
casual or business relationship or a relationship that
ended more than 12 months prior to the filing of the
petition for a protection order.

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d. Is a current or former household member. For
purposes of this chapter, a "household member" excludes
non-romantic or non-intimate co-residents.

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e. A relative of a current or former household
member as defined in paragraph d. who also lived with the
defendant.

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f. An individual who is a parent, stepparent,
child, or stepchild.

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g. An individual who is a grandparent,
step-grandparent, grandchild, or step-grandchild."

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