



House Judiciary Reported Substitute for HB132

A BILL
TO BE ENTITLED
AN ACT

Relating to crimes and offenses; to amend Section 13A-6-21, Code of Alabama 1975; to revise the crime of assault in the second degree.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 13A-6-21, Code of Alabama 1975, is amended to read as follows:

"§13A-6-21

(a) A person commits the crime of assault in the second degree if the person does any of the following:

(1) With intent to cause serious physical injury to another person, he or she causes serious physical injury to any person.

(2) With intent to cause physical injury to another person, he or she causes physical injury to any person by means of a deadly weapon or a dangerous instrument.

(3) He or she recklessly causes serious physical injury to another person by means of a deadly weapon or a dangerous instrument.

(4)a. With intent to prevent a peace officer, as defined in Section 36-21-60, a detention or correctional

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officer at any municipal or county jail or state penitentiary, emergency medical personnel, a utility worker, or a firefighter from performing a lawful duty, he or she intends to cause physical injury and he or she causes physical injury to any person.

b. For the purpose of this subdivision, a person who is a peace officer who is employed or under contract while off duty by a private or public entity is a peace officer performing a lawful duty when the person is working in his or her approved uniform while off duty with the approval of his or her employing law enforcement agency. ~~Provided, however, that nothing~~ Nothing contained in this subdivision shall be deemed or construed as amending, modifying, or extending the classification of a peace officer as ~~off-duty~~ off duty for workers' compensation purposes or any other benefits to which a peace officer may otherwise be entitled to under law when considered ~~on-duty~~ on duty. Additionally, nothing contained in this subdivision shall be deemed or construed as amending, modifying, or extending the tort liability of any municipality as a result of any action or inaction on the part of an off-duty police officer.

(5) With intent to cause physical injury to a teacher or to an employee of a public educational institution during or as a result of the performance of his or her duty, he or she causes physical injury to any person.

(6) With intent to cause physical injury to a health care worker, including a nurse, physician, technician, or any other person employed by or practicing at a hospital as

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defined in Section 22-21-20; a county or district health department; a long-term care facility; a physician's office, clinic, or outpatient treatment facility during the course of or as a result of the performance of the duties of the health care worker or other person employed by or practicing at the hospital; the county or district health department; any health care facility owned or operated by the State of Alabama; the long-term care facility; the physician's office, clinic, or outpatient treatment facility; or a pharmacist, pharmacy technician, pharmacy intern, pharmacy extern, or pharmacy cashier; he or she causes physical injury to any person. This subdivision shall apply to assaults on home health care workers while they are in a private residence. This subdivision shall not apply to assaults by patients who are impaired by medication.

(7) For a purpose other than lawful medical or therapeutic treatment, he or she intentionally causes stupor, unconsciousness, or other physical or mental impairment or injury to another person by administering to him or her, without his or her consent, a drug, substance, or preparation capable of producing the intended harm.

(8) With intent to cause physical injury to a Department of Human Resources employee or any employee performing social work, as defined in Section 34-30-1, during or as a result of the performance of his or her duty, he or she causes physical injury to any person.

(9) With intent to cause physical injury to a letter carrier, as defined in Section 32-6-380, during or as a result

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of the performance of his or her duty, he or she causes physical injury to any person.

(10) With intent to cause physical injury to a child, as defined in Section 16-22A-3, located in an educational environment, as defined in Section 16-22A-3, he or she: (i) is at least 19 years of age; (ii) is not employed by or enrolled in the entity associated with the educational environment, as defined in Section 16-22A-3; and (iii) causes physical injury to any person.

(b) Assault in the second degree is a Class C felony.

(c) For the purposes of this section, "utility worker" means any person who is employed by an entity that owns, operates, leases, or controls any plant, property, or facility for the generation, transmission, manufacture, production, supply, distribution, sale, storage, conveyance, delivery, or furnishing to or for the public of electricity, natural or manufactured gas, water, steam, sewage, or telephone service, including two or more utilities rendering joint service."

Section 2. This act shall become effective on October 1, 2026.