

**House Judiciary Reported Substitute for HB132**

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5 A BILL

6 TO BE ENTITLED

7 AN ACT

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9 Relating to crimes and offenses; to amend Section  
10 13A-6-21, Code of Alabama 1975; to revise the crime of assault  
11 in the second degree.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

15 "§13A-6-21

16 (a) A person commits the crime of assault in the second  
17 degree if the person does any of the following:18 (1) With intent to cause serious physical injury to  
19 another person, he or she causes serious physical injury to  
20 any person.21 (2) With intent to cause physical injury to another  
22 person, he or she causes physical injury to any person by  
23 means of a deadly weapon or a dangerous instrument.24 (3) He or she recklessly causes serious physical injury  
25 to another person by means of a deadly weapon or a dangerous  
26 instrument.27 (4)a. With intent to prevent a peace officer, as  
28 defined in Section 36-21-60, a detention or correctional

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

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

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

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

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

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

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

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

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

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

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

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

103 Section 2. This act shall become effective on October  
104 1, 2026.