



House Judiciary Reported Substitute for HB389

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A BILL
TO BE ENTITLED
AN ACT

Relating to domestic violence crimes; to provide definitions for purposes of the domestic violence law; to amend Sections 13A-6-130, 13A-6-131, 13A-6-132, 13A-6-135, 13A-6-136, 13A-6-137, 13A-6-138, 13A-6-139, 13A-6-139.2, 13A-6-141, 13A-6-142, and 13A-6-143, Code of Alabama 1975, to further provide for the crimes of domestic violence in various degrees to include the minor children of a party who has a dating relationship with the defendant; to establish a temporary holding period and bond requirements for violations; to establish mandatory minimum periods of incarceration for certain violations; to include additional factors for determining predominant domestic violence aggressor; to establish mandatory language to be used in the notice distributed to domestic violence victims; to prohibit the required use of a polygraph device for victims of sexual offenses or domestic violence; to require the reporting of domestic violence incidents that do not result in an arrest; to amend Sections 15-10-3 and 15-13-190, Code of Alabama 1975, to establish a temporary holding period and bond requirements for arrests made for violations of a protection from abuse



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29 order; to amend Section 12-25-32, Code of Alabama 1975, to
30 include within the meaning of "violent offense" the crime of
31 domestic violence in the third degree when committed following
32 a previous conviction for domestic violence; to amend Section
33 13A-11-72, as last amended by Act 2025-273, 2025 Regular
34 Session, Code of Alabama 1975, to further provide definitions;
35 to amend Section 30-5-2, Code of Alabama 1975, to further
36 provide definitions; and to amend Sections 13A-6-92, 13A-6-95,
37 and 13A-6-96, Code of Alabama 1975, to further provide for the
38 crime of electronic stalking by prohibiting the placement of
39 an electronic monitoring device indirectly or through a third
40 party.

41 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

42 Section 1. For purposes of Article 7 of Chapter 6 of
43 Title 13A, Code of Alabama 1975, the following terms shall
44 have the following meanings:

45 (1) ASPHYXIA. Any restriction, however slight, of
46 oxygen or blood flow to the body.

47 (2) CHILD. The term as defined under Section 26-14-1,
48 Code of Alabama 1975.

49 (3) CHILD IN COMMON. A child born or unborn of the
50 parties who share: (i) physical or legal custody; or (ii)
51 parentage, regardless of any past or present relationship.

52 (4) DATING RELATIONSHIP. A substantive romantic or
53 intimate social relationship characterized by the expectation
54 of affection or sexual involvement between the parties over
55 time during the course of the relationship.

56 (5) DOMESTIC VIOLENCE VICTIM or VICTIM. An individual



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57 who is related to the domestic violence defendant in any of
58 the following ways:

- 59 a. A current or former spouse.
- 60 b. A parent or step-parent.
- 61 c. A child or step-child.
- 62 d. A grandparent or step-grandparent.
- 63 e. A grandchild or step-grandchild.
- 64 f. A person with whom the defendant has a child in
65 common.
- 66 g. A present household member.
- 67 h. A child of a present household member.
- 68 i. A person who has or had a dating relationship with
69 the defendant.

70 j. A child of a person who has a dating relationship
71 with the defendant.

72 k. A ward of a guardian if the guardian is any of the
73 individuals described in this subdivision.

74 (6) GUARDIAN. A person who is the legal guardian or
75 assumed guardian by kinship or friendship of a ward. The term
76 includes a person who has significant care, custody, or
77 control over another individual physically, legally, or
78 financially, and who lives with the individual.

79 (7) HOUSEHOLD MEMBER. An individual who is temporarily
80 or permanently living with the defendant and who is
81 romantically or intimately involved with the defendant. The
82 term does not include co-residents, roommates, or other
83 non-romantic or non-intimate relationships.

84 (8) IN THE PRESENCE OF A CHILD. When an act occurs and

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85 a child is present and in a position to see or hear the act;
86 provided, the term does not require the child to have in fact
87 visually or audibly witnessed the act.

88 (9) PHYSICAL HARM. Any injury, illness, or other
89 physiological impairment, including restraint, that results in
90 any measure of harm regardless of its gravity or duration.

91 (10) STRANGULATION. Knowingly, willfully,
92 intentionally, or recklessly causing or attempting to cause
93 asphyxia by closure or compression of the blood vessels or air
94 passages of the neck as a result of external pressure.

95 (11) SUBSTANTIALLY SIMILAR CONVICTION. Any similar
96 offense for which an Alabama offender has been convicted under
97 current or prior Alabama law or the law of any other state,
98 the District of Columbia, the United States, or any of the
99 territories of the United States.

100 (12) SUFFOCATION. Knowingly, willfully, intentionally,
101 or recklessly causing or attempting to cause physical harm by
102 intentionally causing asphyxia by depriving a person of air or
103 by preventing a person from breathing through the inhalation
104 of toxic gases or by blocking or obstructing the airway of a
105 person by any means other than by strangulation.

106 (13) WARD. A person who is under the substantial care
107 and physical, legal, or financial control of a guardian.

108 Section 2. Sections 13A-6-130, 13A-6-131, 13A-6-132,
109 13A-6-135, 13A-6-136, 13A-6-137, 13A-6-138, 13A-6-139,
110 13A-6-139.2, 13A-6-141, 13A-6-142, and 13A-6-143, Code of
111 Alabama 1975, are amended to read as follows:

112 "§13A-6-130



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113 (a) ~~(1)~~ A person commits the crime of domestic violence
114 in the first degree if the person commits the crime of assault
115 in the first degree pursuant to Section 13A-6-20; aggravated
116 stalking pursuant to Section 13A-6-91; or burglary in the
117 first degree pursuant to Section 13A-7-5 and the victim is a
118 ~~current or former spouse, parent, step-parent, child,~~
119 ~~step-child, grandparent, step-grandparent, grandchild,~~
120 ~~step-grandchild, any person with whom the defendant has a~~
121 ~~child in common, a present household member, or a person who~~
122 ~~has or had a dating relationship with the defendant~~ domestic
123 violence victim.

124 ~~(2) For the purposes of this section, a household~~
125 ~~member excludes non-romantic or non-intimate co-residents, and~~
126 ~~a dating relationship means a current or former relationship~~
127 ~~of a romantic or intimate nature characterized by the~~
128 ~~expectation of affectionate or sexual involvement by either~~
129 ~~party.~~

130 (b) Domestic violence in the first degree is a Class A
131 felony, except that the defendant shall serve a minimum term
132 of imprisonment of one year without consideration of
133 probation, parole, good time credits, or any other reduction
134 in time for any second or subsequent conviction under this
135 subsection.

136 (c) The minimum term of imprisonment imposed under
137 subsection (b) shall be double without consideration of
138 probation, parole, good time credits, or any reduction in time
139 if either of the following occurs:

140 (1) A defendant willfully violates a protection order



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141 issued by a court of competent jurisdiction and in the process
142 of violating the order commits domestic violence in the first
143 degree.

144 (2) The offense was committed in the presence of a
145 child ~~under the age of 14 years at the time of the offense,~~
146 ~~who is the victim's child or step-child, the defendant's child~~
147 ~~or step-child, or who is a child residing in or visiting the~~
148 ~~household of the victim or defendant. For purposes of this~~
149 ~~subsection, "in the presence of a child" means that the child~~
150 ~~was in a position to see or hear the act.~~

151 (d) The court shall make a written finding of fact, to
152 be made part of the record upon conviction or adjudication, of
153 whether or not the act was committed in the presence of a
154 child. If a defendant has a trial by jury and the jury finds
155 the defendant guilty, the jury shall also render a special
156 verdict as to whether or not the defendant committed the act
157 in the presence of a child.

158 (e) (1) A person arrested under this section shall be
159 subject to a temporary holding period pursuant to the terms of
160 this subsection.

161 (2) Any bond, appearance bond, secured appearance bond,
162 or personal recognizance order shall not be enforced or
163 executed, and the defendant shall not be released on bail or
164 otherwise, until the passage of 24 hours has occurred from the
165 time of arrest.

166 (3) Upon the expiration of the temporary holding
167 period, the requirements of Section 15-10-3 or Section
168 15-13-190 shall apply, as applicable.



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169 (4) The purpose of this section is to provide the
170 alleged victim with time to seek safety from the defendant and
171 to provide the court time to issue a protection from abuse
172 order, as provided under Section 13A-6-140 et seq., with
173 particularized conditions of release to protect the safety of
174 the alleged victim and the community.

175 (f) If the court grants bond, the conditions of the
176 bond may do all of the following:

177 (1) Enjoin the defendant from committing or threatening
178 to commit acts of domestic violence against the alleged
179 victim.

180 (2) Restrain and enjoin the defendant from contacting
181 the victim. For purposes of this subdivision, "contacting"
182 includes, but is not limited to, communicating with the victim
183 verbally or in any written form, either in person, by
184 telephone, electronically, or by any other manner, either
185 directly or indirectly through a third person.

186 (3) Prohibit the defendant from possessing a firearm or
187 other weapon specified by the court, except when the weapon is
188 necessary for employment as a law enforcement officer or
189 military personnel.

190 (4) Issue any other order or modification of orders to
191 protect the safety of the alleged victim or to ensure the
192 appearance of the defendant in court."

193 "§13A-6-131

194 (a) ~~(1)~~ A person commits the crime of domestic violence
195 in the second degree if the person commits the crime of
196 assault in the second degree pursuant to Section 13A-6-21; the



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197 crime of intimidating a witness pursuant to Section
198 13A-10-123; the crime of stalking in the first degree pursuant
199 to Section 13A-6-90; the crime of burglary in the second or
200 third degree pursuant to Sections 13A-7-6 and 13A-7-7; or the
201 crime of criminal mischief in the first degree pursuant to
202 Section 13A-7-21 and the victim is a ~~current or former spouse,~~
203 ~~parent, step-parent, child, step-child, grandparent,~~
204 ~~step-grandparent, grandchild, step-grandchild, any person with~~
205 ~~whom the defendant has a child in common, a present household~~
206 ~~member, or a person who has or had a dating relationship with~~
207 ~~the defendant~~ domestic violence victim.

208 ~~(2) For the purposes of this section, a household~~
209 ~~member excludes non-romantic or non-intimate co-residents, and~~
210 ~~a dating relationship means a current or former relationship~~
211 ~~of a romantic or intimate nature characterized by the~~
212 ~~expectation of affectionate or sexual involvement by either~~
213 ~~party.~~

214 (b) Domestic violence in the second degree is a Class B
215 felony, except the defendant shall serve a minimum term of
216 imprisonment of six months without consideration of probation,
217 parole, good time credits, or any reduction in time for any
218 second or subsequent conviction under this subsection.

219 (c) The minimum term of imprisonment imposed under
220 subsection (b) shall be double without consideration of
221 probation, parole, good time credits, or any reduction in time
222 if either of the following applies:

223 (1) A defendant willfully violates a protection order
224 issued by a court of competent jurisdiction and in the process



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225 of violating the order commits domestic violence in the second
226 degree.

227 (2) The offense was committed in the presence of a
228 child ~~under the age of 14 years at the time of the offense,~~
229 ~~who is the victim's child or step-child, the defendant's child~~
230 ~~or step-child, or who is a child residing in or visiting the~~
231 ~~household of the victim or defendant. For purposes of this~~
232 ~~subsection, "in the presence of a child" means that the child~~
233 ~~was in a position to see or hear the act.~~

234 (d) The court shall make a written finding of fact, to
235 be made part of the record upon conviction or adjudication, of
236 whether or not the act was committed in the presence of a
237 child. If a defendant has a trial by jury and the jury finds
238 the defendant guilty, the jury shall also render a special
239 verdict as to whether or not the defendant committed the act
240 in the presence of a child.

241 (e) (1) A person arrested under this section shall be
242 subject to a temporary holding period pursuant to the terms of
243 this subsection.

244 (2) Any bond, appearance bond, secured appearance bond,
245 or personal recognizance order shall not be enforced or
246 executed, and the defendant shall not be released on bail or
247 otherwise, until the passage of 24 hours has occurred from the
248 time of arrest.

249 (3) Upon the expiration of the temporary holding
250 period, the requirements of Section 15-10-3 or Section
251 15-13-190 shall apply, as applicable.

252 (4) The purpose of this section is to provide the



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253 alleged victim with time to seek safety from the defendant and
254 to provide the court time to issue a protection from abuse
255 order, as provided under Section 13A-6-140 et seq., with
256 particularized conditions of release to protect the safety of
257 the alleged victim and the community.

258 (f) If the court grants bond, the conditions of the
259 bond may do all of the following:

260 (1) Enjoin the defendant from committing or threatening
261 to commit acts of domestic violence against the alleged
262 victim.

263 (2) Restrain and enjoin the defendant from contacting
264 the victim. For purposes of this subdivision, "contacting"
265 includes, but is not limited to, communicating with the victim
266 verbally or in any written form, either in person, by
267 telephone, electronically, or by any other manner, either
268 directly or indirectly through a third person.

269 (3) Prohibit the defendant from possessing a firearm or
270 other weapon specified by the court, except when the weapon is
271 necessary for employment as a law enforcement officer or
272 military personnel.

273 (4) Issue any other order or modification of orders to
274 protect the safety of the alleged victim or to ensure the
275 appearance of the defendant in court."

276 "§13A-6-132

277 (a) ~~(1)~~ A person commits domestic violence in the third
278 degree if the person commits the crime of assault in the third
279 degree pursuant to Section 13A-6-22; the crime of menacing
280 pursuant to Section 13A-6-23; the crime of reckless



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281 endangerment pursuant to Section 13A-6-24; the crime of
282 criminal coercion pursuant to Section 13A-6-25; the crime of
283 harassment pursuant to ~~subsection (a) of~~ Section 13A-11-8 (a);
284 the crime of criminal surveillance pursuant to Section
285 13A-11-32; the crime of harassing communications pursuant to
286 ~~subsection (b) of~~ Section 13A-11-8 (b); the crime of criminal
287 trespass in the third degree pursuant to Section 13A-7-4; the
288 crime of criminal mischief in the second or third degree
289 pursuant to Sections 13A-7-22 and 13A-7-23; or the crime of
290 arson in the third degree pursuant to Section 13A-7-43; and
291 the victim is a ~~current or former spouse, parent, step-parent,~~
292 ~~child, step-child, grandparent, step-grandparent, grandchild,~~
293 ~~step-grandchild, any person with whom the defendant has a~~
294 ~~child in common, a present household member, or a person who~~
295 ~~has or had a dating relationship with the defendant~~ domestic
296 violence victim.

297 ~~(2) For the purpose of this section, a household member~~
298 ~~excludes non-romantic or non-intimate co-residents, and a~~
299 ~~dating relationship means a current or former relationship of~~
300 ~~a romantic or intimate nature characterized by the expectation~~
301 ~~of affectionate or sexual involvement by either party.~~

302 (b) Domestic violence in the third degree shall be
303 punished as follows:

304 (1) A first conviction is a Class A misdemeanor. ~~The~~
305 ~~minimum term of imprisonment imposed under subsection (a)~~
306 ~~shall be 30 days without consideration of reduction in time if~~
307 ~~a defendant willfully violates a protection order issued by a~~
308 ~~court of competent jurisdiction and in the process of~~

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309 ~~violating the order commits domestic violence in the third~~
310 ~~degree.~~

311 ~~(e)~~ (2) A second conviction ~~under subsection (a)~~ is a
312 Class A misdemeanor, except in addition to any other minimum
313 term of imprisonment under this section, the defendant shall
314 serve a minimum term of imprisonment of 10 days in a city or
315 county jail or detention facility without consideration for
316 any reduction in time.

317 ~~(d)~~ (3) A third or subsequent conviction ~~under~~
318 ~~subsection (a)~~ is a Class C felony.

319 ~~(e)~~ (4) If the defendant has a previous conviction for
320 domestic violence in the first degree pursuant to Section
321 13A-6-130, domestic violence in the second degree pursuant to
322 Section 13A-6-131, domestic violence by strangulation or
323 suffocation pursuant to Section 13A-6-138, or a domestic
324 violence conviction or other substantially similar conviction
325 from another state or jurisdiction, a conviction ~~under~~
326 ~~subsection (a)~~ is a Class C felony.

327 ~~(f)~~ (c) For purposes of determining second, third, or
328 subsequent number of convictions, convictions in municipal
329 court shall be included.

330 (d) The minimum term of imprisonment imposed under
331 subsection (b) shall be 30 days without consideration of
332 reduction in time if either of the following apply:

333 (1) The defendant willfully violates a protection order
334 issued by a court of competent jurisdiction and in the process
335 of violating the order commits domestic violence in the third
336 degree.



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337 (2) The defendant commits domestic violence in the
338 third degree in the presence of a child and the underlying
339 crime is any of the following:

340 a. Assault in the third degree pursuant to Section
341 13A-6-22.

342 b. Menacing pursuant to Section 13A-6-23.

343 c. Arson in the third degree pursuant to Section
344 13A-7-43.

345 (e) (1) The court shall make written findings of fact,
346 to be made part of the record upon conviction or adjudication,
347 as to whether the act was committed in the presence of a child
348 or, if convicted under subdivision (d) (2), stating the
349 underlying crime.

350 (2) If a defendant has a trial by jury and the jury
351 finds the defendant guilty, the jury shall also render a
352 special verdict as to whether the defendant committed the act
353 in the presence of a child.

354 (f) (1) A person arrested under this section shall be
355 subject to a temporary holding period pursuant to the terms of
356 this subsection.

357 (2) Any bond, appearance bond, secured appearance bond,
358 or personal recognizance order shall not be enforced or
359 executed, and the defendant shall not be released on bail or
360 otherwise, until the passage of 24 hours has occurred from the
361 time of arrest.

362 (3) Upon the expiration of the temporary holding
363 period, the requirements of Section 15-10-3 or Section
364 15-13-190 shall apply, as applicable.

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365 (4) The purpose of this section is to provide the
366 alleged victim with time to seek safety from the defendant and
367 to provide the court time to issue a protection from abuse
368 order, as provided under Section 13A-6-140 et seq., with
369 particularized conditions of release to protect the safety of
370 the alleged victim and the community.

371 (g) If the court grants bond, the conditions of the
372 bond may do all of the following:

373 (1) Enjoin the defendant from committing or threatening
374 to commit acts of domestic violence against the alleged
375 victim.

376 (2) Restrain and enjoin the defendant from contacting
377 the victim. For purposes of this subdivision, "contacting"
378 includes, but is not limited to, communicating with the victim
379 verbally or in any written form, either in person, by
380 telephone, electronically, or by any other manner, either
381 directly or indirectly through a third person.

382 (3) Prohibit the defendant from possessing a firearm or
383 other weapon specified by the court, except when the weapon is
384 necessary for employment as a law enforcement officer or
385 military personnel.

386 (4) Issue any other order or modification of orders to
387 protect the safety of the alleged victim or to ensure the
388 appearance of the defendant in court."

389 "§13A-6-133

390 (a) For the purposes of an arrest without a warrant
391 pursuant to Section 15-10-3, the crimes of domestic violence
392 in the first, second, and third degrees; violation of a



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393 domestic violence protection order; interference with a
 394 domestic violence emergency call; and domestic violence by
 395 strangulation or suffocation shall be an offense involving
 396 domestic violence.

397 (b) A warrantless arrest for an offense involving
 398 domestic violence made pursuant to ~~subdivision (8) of~~
 399 ~~subsection (a) of~~ Section 15-10-3 (a) (8), shall include a
 400 charge of a crime of domestic violence under this article."

401 "§13A-6-134

402 (a) If a law enforcement officer receives complaints of
 403 domestic violence from two or more opposing
 404 ~~persons~~individuals, or if both ~~parties~~individuals have
 405 injuries, the officer shall evaluate each complaint separately
 406 to determine who was the predominant aggressor. It is the
 407 purpose and intent of this section to avoid, whenever
 408 possible, the arrest of both individuals.

409 (b) If the officer determines that one ~~person~~
 410 individual was the predominant physical aggressor, that
 411 ~~person~~individual may be arrested. ~~;~~ ~~however, a person~~ However,
 412 an individual who acts in a reasonable manner to protect
 413 himself or herself or another family or household member from
 414 domestic violence may not be arrested for a violation of
 415 Section 13A-6-130, 13A-6-131, 13A-6-132, or 13A-6-138.

416 (c) In determining whether ~~a person~~an individual is the
 417 predominant aggressor, the officer shall consider all of the
 418 following:

419 (1) Prior complaints of domestic violence.

420 (2) The relative severity of the injuries inflicted on



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421 each ~~person~~individual, including whether the injuries are
422 offensive versus defensive in nature.

423 (3) The likelihood of future injury to each
424 ~~person~~individual.

425 (4) Whether the ~~person~~individual had reasonable cause
426 to believe he or she was in imminent danger of becoming a
427 victim of any act of domestic violence.

428 (5) Whether one of the ~~persons~~individuals acted in
429 self-defense.

430 (6) History of violating court orders.

431 (7) The duration and severity of the alleged incident,
432 including whether a weapon was used and whether the incident
433 involved physical harm, sexual assault, or strangulation.

434 (8) History of abuse during pregnancy, animal abuse, or
435 forcible entry into a dwelling.

436 (9) Present or past homicidal or self-harm ideations.

437 ~~(b)~~ (d) A law enforcement officer shall not threaten,
438 suggest, or otherwise indicate the possible arrest of all
439 ~~parties~~individuals to discourage the request for intervention
440 by law enforcement by ~~any party~~an individual or base the
441 decision to arrest or not to arrest on either of the
442 following:

443 (1) The specific consent or request of the victim.

444 (2) The officer's perception of the willingness of a
445 victim of or witness to the domestic violence to testify or
446 otherwise participate in a judicial proceeding.

447 (3) The type or nature of the relationship of the
448 individuals involved in the incident.



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449 (4) The absence of visible indications of injury or
450 physical harm or emotional trauma.

451 ~~(e)~~ (e) (1) In addition to victim information services
452 required pursuant to Section 15-23-62, a law enforcement
453 officer, at the time of initial investigation, shall give a
454 victim of domestic violence notice of the legal rights and
455 remedies available on a standard form developed and
456 distributed by the Alabama State Law Enforcement Agency
457 pursuant to subdivision (2).

458 (2) The agency shall develop a "Legal Rights and
459 Remedies Notice to Victims" that includes a general summary of
460 the provisions of the Protection From Abuse Act using the
461 following language ~~a layperson may understand and the~~
462 ~~statewide domestic violence hotline number,~~ and shall
463 distribute the notice to all law enforcement agencies
464 throughout the state.:

465 "Section I

466 You, as a victim of a crime, may apply for financial
467 benefits under the Alabama Crime Victims Compensation
468 Commission. You may also be eligible for restitution. This
469 assistance lessens the financial burden on innocent victims of
470 violent crime who have suffered a financial loss due to
471 injuries or other qualifying events.

472 For more information contact the Alabama Crime Victims
473 Compensation Commission.

474 Section II

475 A Protection from Abuse ("PFA") proceeding under
476 Section 30-5-1 et seq., Code of Alabama 1975, is available to



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477 certain victims of domestic violence. This is a civil
478 proceeding, not a criminal proceeding. A victim, on his or her
479 own, through an attorney, or through a personal
480 representative, may request an order from a judge which will
481 assist in providing protection from abuse by providing
482 specific relief. Relief may include child custody, financial
483 support from the abuser, housing and transportation
484 provisions, and an order of no contact from the abuser. Relief
485 is within the discretion of the judge. By law, there are no
486 costs or fees for seeking and/or receiving a PFA order. More
487 information on Protection From Abuse Orders is available at
488 any Alabama county courthouse.

Section III

490 As a victim of a crime, you have legal rights under
491 Alabama's constitution when authorized. Some of those rights
492 include a right:

493 To be informed about your case.

494 To be present and heard when authorized at all crucial
495 stages of criminal proceedings.

496 To refuse a request by the defendant or defendant's
497 attorney for communication or interview.

498 To remain away from the defendant during court
499 sessions.

500 To be notified of an arrest within 60 days. If you have
501 not been notified, you may call the law enforcement agency for
502 the status of the case.

503 The responding officer's name, agency, contact
504 information, and incident report identification number.



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505 Section IV

506 The criminal process can be confusing. You are
507 encouraged to ask questions and discuss any concerns with the
508 prosecutor assigned to your case. The criminal process in
509 Alabama generally follows these steps for felonies:
510 investigation, arrest, first appearance by defendant,
511 preliminary hearing, grand jury, and plea or trial. If the
512 case is handled by the municipality, contact the municipal
513 clerk of court for more information.

514 During these stages, there are numerous appearances and
515 hearings. It is very important that you appear in court when
516 summoned because without your assistance it is difficult to
517 prosecute the offender. Contact your victim services officer
518 or prosecutor for all questions. *Only licensed attorneys may
519 give legal advice.

520 Section V

521 As a victim, you may experience any or all of the
522 following:

523 Shock, Disbelief, Numbness, Change in appetite, Change
524 in sleep patterns, Guilt, Shame, Anxiety, Depression,
525 Intrusive thoughts, Anger, and Fatigue. Seeking or receiving
526 assistance is encouraged.

527 Create a safety plan and ensure it is not available to
528 the abuser.

529 (1) Develop a code to alert a trusted person to call
530 law enforcement.

531 (2) Have a bag packed with a change of clothes,
532 important papers, spare keys, cell phone, and cash.

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533 (3) In an emergency, dial 9-1-1.

534 (4) Seek out resources for assistance."

535 ~~(d)~~ (f) A law enforcement officer is not liable in any
536 civil action filed by any party for an arrest based on
537 probable cause, enforcement of a court order, or service of
538 process arising from an alleged incident of domestic violence,
539 pursuant to Sections 36-1-12 and 6-5-338, as applicable."

540 "§13A-6-135

541 For the purposes of Chapter 5 of Title 30, the crimes
542 of domestic violence in the first, second, and third degrees;
543 violation of a protection order; interference with a domestic
544 violence emergency call; and domestic violence by suffocation
545 and strangulation shall be included as acts, attempts, or
546 threats of abuse as defined pursuant to Section 30-5-2."

547 "§13A-6-136

548 For the purposes of Article 6, Chapter 3 of Title 30,
549 the definition of "domestic or family abuse" includes an
550 incident of domestic violence in the first, second, or third
551 degrees; violation of a protection order; interference with a
552 domestic violence emergency call; and domestic violence by
553 suffocation and strangulation pursuant to this article."

554 "§13A-6-137

555 (a) A person commits the crime of interference with a
556 domestic violence emergency call if he or she intentionally
557 hinders, obstructs, disconnects, or in any way prevents the
558 domestic violence victim from calling for assistance.

559 (b) Interference with a domestic violence emergency
560 call is a Class B misdemeanor."

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561 "§13A-6-138

562 ~~(a) For the purposes of this section, the following~~
563 ~~terms have the following meanings:~~

564 ~~(1) STRANGULATION. Intentionally causing asphyxia by~~
565 ~~closure or compression of the blood vessels or air passages of~~
566 ~~the neck as a result of external pressure on the neck.~~

567 ~~(2) SUFFOCATION. Intentionally causing asphyxia by~~
568 ~~depriving a person of air or by preventing a person from~~
569 ~~breathing through the inhalation of toxic gases or by blocking~~
570 ~~or obstructing the airway of a person, by any means other than~~
571 ~~by strangulation.~~

572 ~~(b)~~ (a) A person commits the crime of domestic violence
573 by strangulation or suffocation if he or she commits an
574 assault with intent to cause physical harm or commits the
575 crime of menacing pursuant to Section 13A-6-23, by
576 strangulation or suffocation or attempted strangulation or
577 suffocation and the victim is a ~~current or former spouse,~~
578 ~~parent, step-parent, child, step-child, grandparent,~~
579 ~~step-grandparent, grandchild, step-grandchild, any person with~~
580 ~~whom the defendant has a child in common, a present household~~
581 ~~member, or a person who has or had a dating relationship with~~
582 ~~the defendant. For the purpose of this section, a household~~
583 ~~member excludes non-romantic or non-intimate co-residents, and~~
584 ~~a dating relationship means a current or former relationship~~
585 ~~of a romantic or intimate nature characterized by the~~
586 ~~expectation of affectionate or sexual involvement by either~~
587 ~~party~~ domestic violence victim.

588 ~~(c)~~ (b) (1) Domestic violence by strangulation or

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589 suffocation is a Class B felony ~~punishable as provided by law.~~

590 (2) On a second or subsequent offense, the defendant
591 shall serve a minimum term of imprisonment of six months
592 without consideration of probation, parole, good time credits,
593 or any reduction in time.

594 (c) The minimum term of imprisonment under subsection
595 (b) shall be doubled without consideration of probation,
596 parole, good time credits, or any reduction in time if either
597 of the following applies:

598 (1) The defendant willfully violates a protection order
599 issued by a court of competent jurisdiction and in the process
600 of violating the order commits domestic violence in any
601 degree.

602 (2) The offense was committed in the presence of a
603 child.

604 (d) (1) The court shall make a written finding of fact,
605 to be made part of the record upon conviction or adjudication,
606 of whether the act was committed in the presence of a child.

607 (2) If a defendant has a trial by jury and the jury
608 finds the defendant guilty, the jury shall also render a
609 special verdict as to whether the defendant committed the act
610 in the presence of a child.

611 (e) (1) A person arrested under this section shall be
612 subject to a temporary holding period pursuant to the terms of
613 this subsection.

614 (2) Any bond, appearance bond, secured appearance bond,
615 or personal recognizance order shall not be enforced or
616 executed, and the defendant shall not be released on bail or



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617 otherwise, until the passage of 24 hours has occurred from the
618 time of arrest.

619 (3) Upon the expiration of the temporary holding
620 period, the requirements of Section 15-10-3 or Section
621 15-13-190 shall apply, as applicable.

622 (4) The purpose of this section is to provide the
623 alleged victim with time to seek safety from the defendant and
624 to provide the court time to issue a protection from abuse
625 order, as provided under Section 13A-6-140 et seq., with
626 particularized conditions of release to protect the safety of
627 the alleged victim and the community.

628 (f) If the court grants bond, the conditions of the
629 bond may do all of the following:

630 (1) Enjoin the defendant from committing or threatening
631 to commit acts of domestic violence against the alleged
632 victim.

633 (2) Restrain and enjoin the defendant from contacting
634 the victim. For purposes of this subdivision, "contacting"
635 includes, but is not limited to, communicating with the victim
636 verbally or in any written form, either in person, by
637 telephone, electronically, or by any other manner, either
638 directly or indirectly through a third person.

639 (3) Prohibit the defendant from possessing a firearm or
640 other weapon specified by the court, except when the weapon is
641 necessary for employment as a law enforcement officer or
642 military personnel.

643 (4) Issue any other order or modification of orders to
644 protect the safety of the alleged victim or to ensure the

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645 appearance of the defendant in court."

646 "§13A-6-139

647 (a) Notwithstanding any other provision of law, no
648 court costs shall be assessed against any victim of domestic
649 violence, stalking, or sexual assault in connection with the
650 prosecution or warrant recall of a domestic violence,
651 stalking, or sexual assault offense.

652 (b) A law enforcement officer, prosecuting attorney,
653 court official, or any other government official shall not ask
654 or require an adult, minor, or child victim of an alleged
655 domestic violence, stalking or sexual offense to submit to a
656 polygraph examination or other truth-telling device as a
657 condition of proceeding with the investigation of the offense.

658 (c) Any request of or refusal by a victim to submit to
659 a polygraph examination or any other truth-telling device is
660 inadmissible in any criminal action related to domestic
661 violence, stalking, or sexual assault of the victim.

662 (d) The refusal of a victim to submit to a polygraph
663 examination or other truth-telling device does not prevent the
664 investigation, charging, or prosecution of the offense."

665 "§13A-6-139.2

666 (a) Each agency in the state that is involved with the
667 enforcement, monitoring, or prosecution of crimes of domestic
668 violence shall collect and maintain records of each domestic
669 violence incident, including incidents that do not result in
670 an arrest, for access by investigators preparing for bond
671 hearings and prosecutions for acts of domestic violence.

672 (b) Each agency shall transmit the records to the



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673 Alabama State Law Enforcement Agency for timely input into the
674 Law Enforcement Tactical System to allow for access to history
675 of domestic violence for safety reasons and charging
676 decisions."

677 "§13A-6-141

678 As used in this article, the following terms ~~shall~~ have
679 the following meanings, respectively, unless the context
680 clearly indicates otherwise:

681 (1) DOMESTIC VIOLENCE PROTECTION ORDER. ~~A domestic~~
682 ~~violence protection order is any~~Any protection from abuse
683 order issued pursuant to the Protection from Abuse Act,
684 ~~Sections 30-5-1 to 30-5-11, inclusive~~Chapter 5 of Title 30.

685 The term includes all of the following:

686 a. A restraining order, injunctive order, or order of
687 release from custody which has been issued in a circuit,
688 district, municipal, or juvenile court in a domestic relations
689 or family violence case~~.~~.

690 b. An order issued by municipal, district, or circuit
691 court which places conditions on the pre-trial release on
692 defendants in criminal cases, including provisions of bail
693 pursuant to Section 15-13-190~~.~~.

694 c. An order issued by another state or territory which
695 may be enforced under Sections 30-5B-1 through 30-5B-10.

696 ~~Restraining or protection orders not issued pursuant to the~~
697 ~~Protection From Abuse Act, Sections 30-5-1 to 30-5-11,~~
698 ~~inclusive, must specify that a history of violence or abuse~~
699 ~~exists for the provisions of this chapter to apply.~~

700 d. Any other restraining or protection order, including

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701 an order not issued pursuant to the Protection From Abuse Act,
702 Chapter 5 of Title 30, that specifies that a history of
703 violence or abuse exists.

704 (2) VIOLATION. The knowing commission of any act
705 prohibited by a domestic violence protection order or any
706 willful failure to abide by its terms."

707 "§13A-6-142

708 (a) A person commits the crime of violation of a
709 domestic violence protection order if the person who is
710 subject to an order of protection knowingly commits any act
711 prohibited by a domestic violence protection order or
712 willfully fails to abide by any term of a domestic violence
713 protection order.

714 (b) A violation of a domestic violence protection order
715 is a Class A misdemeanor which shall be punishable as provided
716 by law. A second conviction for violation of a domestic
717 violence protection order, in addition to any other penalty or
718 fine, shall be punishable by a minimum of 30 days imprisonment
719 which may not be suspended. A third or subsequent conviction
720 is a Class C felony.

721 (c) In addition to any other fine or penalty provided
722 by law, the court shall order the defendant to pay an
723 additional fine of fifty dollars (\$50) for a violation of a
724 domestic violence protection order to be distributed to the
725 Domestic Violence Trust Fund, established by Section 30-6-11."

726 "§13A-6-143

727 (a) A law enforcement officer may arrest any person who
728 is subject to a domestic violence protection order for the

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729 violation of this article if the officer has probable cause to
730 believe that the person has violated any provision of a valid
731 domestic violence protection order, whether temporary or
732 permanent.

733 (b) The presentation of a domestic violence protection
734 order constitutes probable cause for an officer to believe
735 that a valid order exists.

736 (c) For purposes of this article, the domestic violence
737 protection order may be inscribed on a tangible copy or may be
738 stored in an electronic or other medium if it is retrievable
739 in a detectable form.

740 (d) Presentation of a certified copy or registered
741 order of the domestic violence protection order is not
742 required for enforcement or to allow a law enforcement officer
743 to effect a warrantless arrest.

744 (e) If a domestic violence protection order is not
745 presented to or otherwise confirmed by a law enforcement
746 officer, the officer may consider other information in
747 determining whether there is probable cause to believe that a
748 valid domestic violence protection order exists.

749 (f) The law enforcement officer may arrest the
750 ~~defendant~~ person without a warrant although ~~he or she~~ the law
751 enforcement officer did not personally see the violation.

752 (g) Knowledge by the law enforcement officer of the
753 existence or contents of, or both, or presentation to the
754 officer by the complainant of, a domestic violence protection
755 order shall constitute prima facie evidence of the validity of
756 the order.



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757 (h) If a law enforcement officer of this state
758 determines that an otherwise valid domestic violence
759 protection order cannot be enforced because the ~~defendant~~
760 person has not been notified or served with the domestic
761 violence protection order, the law enforcement officer shall
762 inform the ~~defendant~~person of the order and allow the person
763 a reasonable opportunity to comply with the order's provisions
764 before enforcing the order.

765 (i) ~~In the event~~If the law enforcement officer provides
766 notice of the domestic violence protection order to the
767 ~~defendant~~person, the officer shall document this fact and any
768 attendant circumstances in ~~the~~a written report."

769 Section 3. Sections 15-10-3 and 15-13-190, Code of
770 Alabama 1975, are amended to read as follows:

771 "§15-10-3

772 (a) An officer may arrest a person without a warrant,
773 on any day and at any time in any of the following instances:

774 (1) If a public offense has been committed or a breach
775 of the peace threatened in the presence of the officer.

776 (2) When a felony has been committed, though not in the
777 presence of the officer, by the person arrested.

778 (3) When a felony has been committed and the officer
779 has probable cause to believe that the person arrested
780 committed the felony.

781 (4) When the officer has probable cause to believe that
782 the person arrested has committed a felony, although it may
783 afterwards appear that a felony had not in fact been
784 committed.



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785 (5) When a charge has been made, upon probable cause,
786 that the person arrested has committed a felony.

787 (6) When the officer has actual knowledge that a
788 warrant for the person's arrest for the commission of a felony
789 or misdemeanor has been issued, provided the warrant was
790 issued in accordance with this chapter. However, upon request
791 the officer shall show the warrant to the arrested person as
792 soon as possible. If the officer does not have the warrant in
793 his or her possession at the time of arrest the officer shall
794 inform the defendant of the offense charged and of the fact
795 that a warrant has been issued.

796 (7) When the officer has probable cause to believe that
797 a felony or misdemeanor has been committed by the person
798 arrested in violation of a protection order, including a
799 domestic violence protection order or an elder abuse
800 protection order, issued by a court of competent jurisdiction.

801 (8) When an offense involves a crime of domestic
802 violence, including domestic violence in the first degree,
803 pursuant to Section 13A-6-130, domestic violence in the second
804 degree, pursuant to Section 13A-6-131, domestic violence in
805 the third degree, pursuant to Section 13A-6-132, interference
806 with a domestic violence emergency call, in violation of
807 Section 13A-6-137, or domestic violence by strangulation or
808 suffocation, pursuant to Section 13A-6-138, violation of a
809 domestic violence protection order pursuant to Section
810 13A-6-142, or elder abuse as defined in Section 38-9F-3, and
811 the arrest is based on probable cause.

812 (b) When a law enforcement officer investigates an



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813 allegation of domestic violence or elder abuse, whether or not
814 an arrest is made, the officer shall make a written report of
815 the alleged incident, including a statement of the complaint,
816 and the disposition of the case.

817 (c) (1) If the defendant is arrested under this section
818 for committing an act of domestic violence, including domestic
819 violence in the first degree^r pursuant to Section 13A-6-130,
820 domestic violence in the second degree^r pursuant to Section
821 13A-6-131, domestic violence in the third degree^r pursuant to
822 Section 13A-6-132, interference with a domestic violence
823 emergency call^r in violation of Section 13A-6-137, or domestic
824 violence by strangulation or suffocation^r pursuant to Section
825 13A-6-138, in violation of a domestic violence protection
826 order, or an act of elder abuse in violation of an elder abuse
827 protection order, the defendant shall be held in custody until
828 brought before the court within 48 hours for the purpose of
829 enforcing the protection order and for consideration of bail
830 in accordance with Section 15-13-190 and the applicable rules
831 of criminal procedure, pending a hearing. If the defendant is
832 not brought before the court within 48 hours, the defendant
833 shall be subject to bail according to the Alabama Rules of
834 Criminal Procedure.

835 (2) A person arrested under this subsection shall be
836 subject to a temporary holding period pursuant to the terms of
837 this subsection.

838 (3) Any bond, appearance bond, secured appearance bond,
839 or personal recognizance order shall not be enforced or
840 executed, and the defendant shall not be released on bail or



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841 otherwise, until the passage of 24 hours has occurred from the
842 time of arrest.

843 (4) Upon the expiration of the temporary holding
844 period, the requirements of Section 15-10-3 or Section
845 15-13-190 shall apply, as applicable.

846 (5) The purpose of this section is to provide the
847 alleged victim with time to seek safety from the defendant and
848 to provide the court time to issue a protection from abuse
849 order, as provided under Section 13A-6-140 et seq., with
850 particularized conditions of release to protect the safety of
851 the alleged victim and the community.

852 (d) If the court grants bond, the conditions of the
853 bond may do all of the following:

854 (1) Enjoin the defendant from committing or threatening
855 to commit acts of domestic violence against the alleged
856 victim.

857 (2) Restrain and enjoin the defendant from contacting
858 the victim. For purposes of this subdivision, "contacting"
859 includes, but is not limited to, communicating with the victim
860 verbally or in any written form, either in person, by
861 telephone, electronically, or by any other manner, either
862 directly or indirectly through a third person.

863 (3) Prohibit the defendant from possessing a firearm or
864 other weapon specified by the court, except when the weapon is
865 necessary for employment as a law enforcement officer or
866 military personnel.

867 (4) Issue any other order or modification of orders to
868 protect the safety of the alleged victim or to ensure the



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869 appearance of the defendant in court."

870 "§15-13-190

871 (a) (1) A person arrested for domestic violence in the
872 first degree, pursuant to Section 13A-6-130, domestic violence
873 in the second degree, pursuant to Section 13A-6-131, domestic
874 violence in the third degree, pursuant to Section 13A-6-132,
875 interference with a domestic violence emergency call, in
876 violation of Section 13A-6-137, or domestic violence by
877 strangulation or suffocation, pursuant to Section 13A-6-138,
878 or a violation of a domestic violence protection order shall
879 be subject to a temporary holding period pursuant to the terms
880 of this subsection. ~~, may not be admitted to bail until after~~
881 ~~an appearance before a judge or magistrate within 24 hours of~~
882 ~~the arrest, and if the person is not taken before a judge or~~
883 ~~magistrate within 24 hours of the arrest, he or she shall be~~
884 ~~afforded an opportunity to make bail in accordance with the~~
885 ~~Alabama Rules of Criminal Procedure.~~

886 ~~(b) The judge or magistrate may impose conditions of~~
887 ~~release or bail on the person to protect the alleged victim of~~
888 ~~domestic violence or the person protected by a protection~~
889 ~~order, and to ensure the appearance of the person at a~~
890 ~~subsequent court proceeding. The conditions may include, but~~
891 ~~need not be limited to, the following:~~

892 ~~(1) Enjoining the person from threatening to commit or~~
893 ~~committing acts of domestic violence against the alleged~~
894 ~~victim.~~

895 ~~(2) a. Restraining and enjoining the defendant from~~
896 ~~contacting the victim.~~



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897 ~~b. For the purposes of this subsection, contacting~~
898 ~~includes, but is not limited to, communicating with the victim~~
899 ~~verbally or in any written form, either in person,~~
900 ~~telephonically, electronically, or in any other manner, either~~
901 ~~directly or indirectly through a third person.~~

902 ~~(3) Prohibiting the person from possessing a firearm or~~
903 ~~other weapon specified by the court, except when such weapon~~
904 ~~is necessary for employment as a peace officer or military~~
905 ~~personnel.~~

906 ~~(4) Issuing any other order or modification of orders~~
907 ~~required in this section to protect the safety of the alleged~~
908 ~~victim or to ensure the appearance of the person in court.~~

909 (2) Any bond, appearance bond, secured appearance bond,
910 or personal recognizance order shall not be enforced or
911 executed, and the defendant shall not be released on bail or
912 otherwise, until the passage of 24 hours has occurred from the
913 time of arrest.

914 (3) Upon the expiration of the temporary holding
915 period, the requirements of Section 15-10-3 or this section
916 shall apply, as applicable.

917 (4) The purpose of this section is to provide the
918 alleged victim with time to seek safety from the defendant and
919 to provide the court time to issue a protection from abuse
920 order, as provided under Section 13A-6-140 et seq., with
921 particularized conditions of release to protect the safety of
922 the alleged victim and the community.

923 (b) If the court grants bond, the conditions of the
924 bond may do all of the following:



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925 (1) Enjoin the defendant from committing or threatening
926 to commit acts of domestic violence against the alleged
927 victim.

928 (2) Restrain and enjoin the defendant from contacting
929 the victim. For purposes of this subdivision, "contacting"
930 includes, but is not limited to, communicating with the victim
931 verbally or in any written form, either in person, by
932 telephone, electronically, or by any other manner, either
933 directly or indirectly through a third person.

934 (3) Prohibit the defendant from possessing a firearm or
935 other weapon specified by the court, except when the weapon is
936 necessary for employment as a law enforcement officer or
937 military personnel.

938 (4) Issue any other order or modification of orders to
939 protect the safety of the alleged victim or to ensure the
940 appearance of the defendant in court.

941 (c) If conditions of release are imposed, the judge or
942 magistrate shall issue a written order for conditional
943 release, immediately distribute a copy of the order to the law
944 enforcement agency having custody of the arrested or charged
945 person, place information pertaining to the order in the
946 domestic violence protection order registry and Law
947 Enforcement Tactical System, and provide the law enforcement
948 agency with any available information concerning the location
949 of the alleged victim in a manner that protects the safety of
950 the victim. ~~Law~~ A law enforcement officer shall provide a copy
951 of the written order to the victim within 24 hours of receipt,
952 provided that the victim provides the investigating law



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953 enforcement agency with current and accurate contact
954 information.

955 (d) In cases in which the defendant has been placed on
956 conditional release or bail pursuant to this section or is in
957 violation of probation from another case and is arrested on a
958 probation violation warrant, a violation of written condition
959 of release pursuant to this section, or a violation of a prior
960 protection order, the court shall consider revocation of
961 probation, conditional release, or bail. Should the court
962 order ~~continue~~continued probation, conditional release, or
963 bail, the court shall order additional conditions imposed on
964 the defendant to provide protection to the victim of domestic
965 violence or the person protected by a protection order.

966 Additional conditions shall be included in a written order.

967 (e) A person who willfully violates a condition of
968 pretrial release provided in this section, when the original
969 arrest was for an act of domestic violence, shall be subject
970 to the penalties provided in Section 13A-6-142~~7~~ and shall
971 receive an enhanced penalty and additional sentence of
972 imprisonment in accordance with Section 13A-6-142."

973 Section 4. Section 12-25-32, Code of Alabama 1975, is
974 amended to read as follows:

975 "§12-25-32

976 For the purposes of this article, the following terms
977 have the following meanings:

978 (1) COMMISSION. The Alabama Sentencing Commission,
979 established as a state agency under the Supreme Court of
980 Alabama by this chapter.



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981 (2) CONTINUUM OF PUNISHMENTS. An array of punishment
982 options, from probation to incarceration, graduated in
983 restrictiveness according to the degree of supervision of the
984 offender, including, but not limited to, all of the following:

985 a. Active Incarceration. A sentence, other than an
986 intermediate punishment or unsupervised probation, that
987 requires an offender to serve a sentence of imprisonment. The
988 term includes time served in a work release program operated
989 as a custody option by the Alabama Department of Corrections
990 or in the Supervised Intensive Restitution program of the
991 Department of Corrections pursuant to Article 7, ~~commencing~~
992 ~~with Section 15-18-110,~~ of Chapter 18 of Title 15.

993 b. Intermediate Punishment. A sentence that may include
994 assignment to any community based punishment program or may
995 include probation with conditions or probation in conjunction
996 with a period of confinement. Intermediate punishments
997 include, but are not limited to, all of the following options:

998 1. A split sentence pursuant to Section 15-18-8.

999 2. Assignment to a community punishment and corrections
1000 program pursuant to the Alabama Community Punishment and
1001 Corrections Act or local acts.

1002 3. Assignment to a community based manual labor work
1003 program pursuant ~~to Sections 14-5-30 to 14-5-37,~~
1004 ~~inclusive~~ Article 2 of Chapter 5 of Title 14.

1005 4. Intensive probation supervision pursuant to Section
1006 15-22-56.

1007 5. Cognitive and behavioral training.

1008 6. Community service work.



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- 1009 7. County probation.
- 1010 8. Day fines or means-based fines.
- 1011 9. Day reporting.
- 1012 10. Drug or alcohol testing.
- 1013 11. Drug court programs.
- 1014 12. Educational programs.
- 1015 13. Electronic monitoring.
- 1016 14. Home confinement or house arrest.
- 1017 15. Ignition interlock.
- 1018 16. Intermittent confinement.
- 1019 17. Jail and prison diversion programs.
- 1020 18. Job readiness and work.
- 1021 19. Literacy and basic learning.
- 1022 20. Pretrial diversion programs.
- 1023 21. Residential drug treatment.
- 1024 22. Residential community based punishment programs in
- 1025 which the offender is required to spend at least eight hours
- 1026 per day, or overnight, within a facility and is required to
- 1027 participate in activities such as counseling, treatment,
- 1028 social skills training, or employment training, conducted at
- 1029 the residential facility or at another specified location.
- 1030 23. Restorative justice as established in Section
- 1031 12-17-226.6.
- 1032 (i) Victim impact panels.
- 1033 (ii) Voluntary victim offender conferencing.
- 1034 (iii) Voluntary victim offender mediation.
- 1035 24. Self-help groups.
- 1036 25. Sobriety or breath alcohol remote monitoring.



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1037 26. Substance abuse education and treatment.

1038 27. Treatment alternatives to street crime (TASC).

1039 28. Voice recognition, curfew restriction, or
1040 employment monitoring.

1041 29. Work release, other than those work release
1042 programs operated by the Alabama Department of Corrections, as
1043 a custody option.

1044 c. Unsupervised Probation. A sentence in a criminal
1045 case that includes a period of probation but does not include
1046 supervision, active incarceration, or an intermediate
1047 punishment.

1048 d. Post-release Supervision. A mandatory period of
1049 supervision following sentences of active incarceration as
1050 defined in paragraph a. that may include one or more
1051 intermediate punishment options.

1052 (3) COURT. Unless otherwise stated, a district or
1053 circuit court exercising jurisdiction to sentence felony
1054 offenders.

1055 (4) EVIDENCE-BASED PRACTICES. Policies, procedures,
1056 programs, and practices proven by widely accepted and
1057 published research to reliably produce reductions in
1058 recidivism.

1059 (5) FELONY OFFENSE. A noncapital felony offense.

1060 (6) INITIAL VOLUNTARY STANDARDS. The voluntary
1061 sentencing standards effective on October 1, 2006. These
1062 standards were based on statewide historic sentences imposed
1063 with normative adjustments designed to reflect current
1064 sentencing policies.



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1065 (7) NONVIOLENT OFFENSE. All offenses which are not
1066 violent offenses.

1067 (8) NONVIOLENT OFFENDER. Any offender who does not
1068 qualify as a violent offender pursuant to subdivision (14).

1069 (9) OFFENDER. A person convicted of a noncapital felony
1070 offense.

1071 (10) RELEASE AUTHORITY. Any public official, agency, or
1072 other entity authorized by law to release a sentenced offender
1073 from incarceration or other conditions of a sentence.

1074 (11) VALIDATED RISK AND NEEDS ASSESSMENT. An actuarial
1075 tool that has been validated and established by administrative
1076 rule in Alabama to determine the likelihood of an offender
1077 engaging in future criminal behavior. The Board of Pardons and
1078 Paroles and the Department of Corrections shall adopt
1079 compatible tools to conduct a validated risk and needs
1080 assessment upon offenders within the jurisdiction of the
1081 state. A validated risk and needs assessment shall include,
1082 but not be limited to, an offender's prior criminal history,
1083 the nature and severity of the present offense, and potential
1084 for future violence.

1085 (12) TRUTH-IN-SENTENCING STANDARDS. Truth in sentencing
1086 is scheduled to become effective October 1, 2020.

1087 (13) UNDER SUPERVISION. ~~All offenders under~~Under the
1088 supervision of any criminal justice agency or program
1089 including, but not limited to, any of the following entities:

- 1090 a. The Alabama Department of Corrections.
1091 b. State or county probation offices.
1092 c. Community corrections programs pursuant to Alabama



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1093 Community Corrections Act.

1094 d. Jails.

1095 e. State or local law enforcement agencies.

1096 f. Any court.

1097 (14) VIOLENT OFFENDER. ~~A violent offender is an~~An

1098 offender who has been convicted of a violent offense, or who
1099 is determined by the trial court judge or a release authority
1100 to have demonstrated a propensity for violence, aggression, or
1101 weapons related behavior based on the criminal history or
1102 behavior of the offender while under supervision of any
1103 criminal justice system agency or entity.

1104 (15) VIOLENT OFFENSE.

1105 a. For the purposes of this article, a violent offense
1106 includes each of the following offenses, or any substantially
1107 similar offense to those listed in this subdivision created
1108 after June 20, 2003:

1109 1. Capital murder pursuant to Sections 13A-6-2 and
1110 13A-5-40.

1111 2. Murder pursuant to Section 13A-6-2.

1112 3. Manslaughter pursuant to Section 13A-6-3.

1113 4. Criminally negligent homicide pursuant to Section
1114 13A-6-4.

1115 5. Assault I pursuant to Section 13A-6-20.

1116 6. Assault II pursuant to Section 13A-6-21.

1117 7. Compelling street gang membership pursuant to
1118 Section 13A-6-26.

1119 8. Kidnapping I pursuant to Section 13A-6-43.

1120 9. Kidnapping II pursuant to Section 13A-6-44.



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- 1121 10. Rape I pursuant to Section 13A-6-61.
- 1122 11. Rape II pursuant to Section 13A-6-62.
- 1123 12. Sodomy I pursuant to Section 13A-6-63.
- 1124 13. Sodomy II pursuant to Section 13A-6-64.
- 1125 14. Sexual torture pursuant to Section 13A-6-65.1.
- 1126 15. Sexual abuse I pursuant to Section 13A-6-66.
- 1127 16. Enticing a child to enter a vehicle for immoral
- 1128 purposes pursuant to Section 13A-6-69.
- 1129 17. Stalking pursuant to Section 13A-6-90.
- 1130 18. Aggravated stalking pursuant to Section 13A-6-91.
- 1131 19. Soliciting a child by computer pursuant to Section
- 1132 13A-6-110.
- 1133 20. Domestic violence I pursuant to Section 13A-6-130.
- 1134 21. Domestic violence II pursuant to Section 13A-6-131.
- 1135 22. Burglary I pursuant to Section 13A-7-5.
- 1136 23. Burglary II pursuant to Section 13A-7-6.
- 1137 24. Burglary III pursuant to subdivision (1) or
- 1138 subdivision (2) of subsection (a) of Section 13A-7-7.
- 1139 25. Arson I pursuant to Section 13A-7-41.
- 1140 26. Criminal possession of explosives pursuant to
- 1141 Section 13A-7-44.
- 1142 27. Extortion I pursuant to Section 13A-8-14.
- 1143 28. Robbery I pursuant to Section 13A-8-41.
- 1144 29. Robbery II pursuant to Section 13A-8-42.
- 1145 30. Robbery III pursuant to Section 13A-8-43.
- 1146 31. Pharmacy robbery pursuant to Section 13A-8-51.
- 1147 32. Terrorist threats pursuant to Section 13A-10-15.
- 1148 33. Escape I pursuant to Section 13A-10-31.

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- 1149 34. Promoting prison contraband I pursuant to Section
1150 13A-10-36, involving a deadly weapon or dangerous instrument.
- 1151 35. Intimidating a witness pursuant to Section
1152 13A-10-123.
- 1153 36. Intimidating a juror pursuant to Section
1154 13A-10-127.
- 1155 37. Treason pursuant to Section 13A-11-2.
- 1156 38. Discharging a weapon into an occupied building,
1157 dwelling, automobile, etc., pursuant to Section 13A-11-61.
- 1158 39. Promoting prostitution I pursuant to Section
1159 13A-12-111.
- 1160 40. Production of obscene matter involving a minor
1161 pursuant to Section 13A-12-197.
- 1162 41. Trafficking pursuant to Section 13A-12-231.
- 1163 42. Child abuse pursuant to Section 26-15-3.
- 1164 43. Elder abuse pursuant to Section 38-9-7.
- 1165 44. Terrorism pursuant to Section 13A-10-152.
- 1166 45. Hindering prosecution for terrorism pursuant to
1167 Section 13A-10-154.
- 1168 46. Domestic violence III pursuant to ~~subsection (d) of~~
1169 Section 13A-6-132 (b) (3) or (4).
- 1170 47. Domestic violence by strangulation or suffocation
1171 pursuant to Section 13A-6-138.
- 1172 48. Human trafficking I pursuant to Section 13A-6-152.
- 1173 49. Human trafficking II pursuant to Section 13A-6-153.
- 1174 50. Hindering prosecution in the first degree pursuant
1175 to Section 13A-10-43.
- 1176 51. Any substantially similar offense for which an



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1177 Alabama offender has been convicted under prior Alabama law or
1178 the law of any other state, the District of Columbia, the
1179 United States, or any of the territories of the United States.

1180 b. The basis for defining these offenses as violent is
1181 that each offense meets at least one of the following
1182 criteria:

1183 1. Has as an element, the use, attempted use, or
1184 threatened use of a deadly weapon or dangerous instrument or
1185 physical force against the person of another.

1186 2. Involves a substantial risk of physical injury
1187 against the person of another.

1188 3. Is a nonconsensual sex offense.

1189 4. Is particularly reprehensible.

1190 c. Any attempt, conspiracy, or solicitation to commit a
1191 violent offense shall be considered a violent offense for the
1192 purposes of this article.

1193 d. Any criminal offense which meets the criteria
1194 provided in paragraph b. enacted after 2003."

1195 Section 5. Section 13A-11-72, as last amended by Act
1196 2025-273, 2025 Regular Session, Code of Alabama 1975, is
1197 amended to read as follows:

1198 "§13A-11-72

1199 (a) (1) A person may not own a firearm or have a firearm
1200 in his or her possession or under his or her control if any of
1201 the following apply:

1202 a. The person has been convicted in this state or
1203 elsewhere of any kind of felony offense within the previous
1204 five years.



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1205 b. The person has been convicted in this state or
1206 elsewhere of three or more felony offenses of any kind at any
1207 time~~+~~; provided the felony offense convictions used to support
1208 a charge under this paragraph each arose from a different
1209 indictment or complaint or otherwise arose on a different date
1210 of charge.

1211 c. The person has been convicted in this state or
1212 elsewhere of committing or attempting to commit a crime of
1213 violence as defined in Section 13A-11-70~~+~~; misdemeanor offense
1214 of domestic violence as defined in subsection (h)~~+~~; or a
1215 violent offense as defined in Section 12-25-32.

1216 d. The person is subject to a valid protection order
1217 for domestic abuse.

1218 e. The person is of unsound mind.

1219 (2) A violation of this subsection is a Class C felony.

1220 (3) It shall be an affirmative defense to a prosecution
1221 under this subsection that the defendant has received a pardon
1222 pursuant to Section 15-22-36 which expressly restores the
1223 defendant's right to possess a firearm as to each conviction
1224 supporting the prosecution.

1225 (b) (1) No person who is a minor, except under the
1226 circumstances provided in this section, an habitual drunkard,
1227 or who has a drug addiction shall own a pistol or have one in
1228 his or her possession or under his or her control.

1229 (2) A violation of this subsection is a Class A
1230 misdemeanor.

1231 (c) (1) No person who is an alien and is illegally or
1232 unlawfully in the United States or has been admitted to the

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1233 United States under a nonimmigrant visa as defined in 8 U.S.C.
1234 § 1101(a)(26), provided no exception to this subsection as
1235 listed in 18 U.S.C. § 922(y)(2) applies, shall own a pistol or
1236 other firearm or have one in his or her possession or under
1237 his or her control.

1238 (2) A violation of this subsection is a Class C felony.

1239 (d)(1) Subject to the exceptions provided by Section
1240 13A-11-74, no person shall knowingly with intent to do bodily
1241 harm carry or possess a deadly weapon on the premises of a
1242 school.

1243 (2) A violation of this subsection is a Class C felony.

1244 (e) School security personnel and school resource
1245 officers qualified under Section 16-1-44.1(a), employed by a
1246 local board of education, and authorized by the employing
1247 local board of education to carry a deadly weapon while on
1248 duty are exempt from subsection (d). Law enforcement officers
1249 are exempt from this section, and persons with permits issued
1250 pursuant to Section 13A-11-75~~7~~ are exempt from subsection (d).

1251 (f) A person shall not be in violation of Section
1252 13A-11-57 or 13A-11-76 and a minor shall not be in violation
1253 of this section if the minor has permission to possess a
1254 pistol from a parent or legal guardian who is not prohibited
1255 from possessing a firearm under state or federal law, and any
1256 of the following are satisfied:

1257 (1) The minor is attending a hunter education course or
1258 a firearms safety course under the supervision of an adult who
1259 is not prohibited from possessing a firearm under state or
1260 federal law.

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1261 (2) The minor is engaging in practice in the use of a
1262 firearm or target shooting at an established range under the
1263 supervision of an adult who is not prohibited from possessing
1264 a firearm under state or federal law.

1265 (3) The minor is engaging in an organized competition
1266 involving the use of a firearm or participating in or
1267 practicing for a performance by an organized group under 26
1268 U.S.C. § 501(c)(3) which uses firearms as part of the
1269 performance.

1270 (4) The minor is hunting or fishing pursuant to a valid
1271 license, if required, and the person has the license in his or
1272 her possession; has written permission of the owner or legal
1273 possessor of the land on which the activities are being
1274 conducted; and the pistol, when loaded, is carried only in a
1275 manner discernible by ordinary observation.

1276 (5) The minor is on real property under the control of
1277 the minor's parent, legal guardian, or grandparent.

1278 (6) The minor is a member of the armed services or
1279 National Guard and the minor is acting in the line of duty.

1280 (7) The minor is traveling by motor vehicle to any of
1281 the locations or activities listed in subdivisions (1) through
1282 (6), has written permission to possess the pistol or firearm
1283 by his or her parent or legal guardian, and the pistol or
1284 firearm is unloaded, locked in a compartment or container that
1285 is in or affixed securely to the motor vehicle, and is out of
1286 reach of the driver and any passenger in the motor vehicle.

1287 (g) This section does not apply to a minor who uses a
1288 pistol or other firearm while acting in self-defense of



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1289 himself, herself, or other persons against an intruder into
1290 the residence of the minor or a residence in which the minor
1291 is an invited guest.

1292 (h) For the purposes of this section, the following
1293 terms have the following meanings:

1294 (1) CONVICTED. a. Means a person was represented by
1295 counsel in the case, or knowingly and intelligently waived the
1296 right to counsel in the case if required by law, and either
1297 the case was tried before a judge, tried by a jury, or the
1298 person knowingly and intelligently waived the right to have
1299 the case tried, by guilty plea or otherwise.

1300 b. A person is not considered to have been convicted
1301 for the purposes of this section if the person is not
1302 considered to have been convicted in the jurisdiction in which
1303 the proceedings were held or the conviction has been expunged,
1304 set aside, or is of an offense for which the person has been
1305 pardoned or has had his or her civil rights restored, unless
1306 the pardon, expungement, or restoration of civil rights
1307 expressly provides that the person may not ship, transport,
1308 possess, or receive firearms.

1309 (2) DEADLY WEAPON. A firearm or anything manifestly
1310 designed, made, or adapted for the purposes of inflicting
1311 death or serious physical injury, and the term includes, but
1312 is not limited to, a bazooka, hand grenade, missile, or
1313 explosive or incendiary device; a pistol, rifle, or shotgun;
1314 or a switch-blade knife, gravity knife, stiletto, sword, or
1315 dagger; or any club, baton, billy, black-jack, bludgeon, or
1316 metal knuckles.



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1317 (3) MISDEMEANOR OFFENSE OF DOMESTIC VIOLENCE. A
1318 misdemeanor offense that has, as its elements, the use or
1319 attempted use of physical force or the threatened use of a
1320 dangerous instrument or deadly weapon, and the victim is a
1321 ~~current or former spouse, parent, step-parent, child,~~
1322 ~~step-child, grandparent, step-grandparent, grandchild,~~
1323 ~~step-grandchild, any person with whom the defendant has a~~
1324 ~~child in common, a present or former household member, or a~~
1325 ~~person who has or had a dating relationship with the defendant~~
1326 domestic violence victim, as defined under Section 1 of the
1327 act amending this section.

1328 (4) QUALIFIED INDIVIDUAL. A victim as defined in
1329 Section 30-5-2 or an individual who cohabitates or has
1330 cohabited with the person.

1331 (5) SCHOOL. A school composed of grades K-12 and shall
1332 include a school bus used for grades K-12.

1333 (6) SCHOOL RESOURCE OFFICER. An A law enforcement
1334 officer certified by the Alabama Peace Officers' Standards and
1335 Training Commission and ~~Commissioner-certified law~~
1336 ~~enforcement officer~~ employed by a law enforcement agency who
1337 is specifically selected and specially trained for the school
1338 setting.

1339 (7) UNSOUND MIND. Includes any person who is subject to
1340 any of the findings listed below, and who has not had his or
1341 her rights to possess a firearm reinstated by operation of law
1342 or legal process:

1343 a. Found by a court, board, commission, or other lawful
1344 authority that, as a result of marked subnormal intelligence,



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1345 mental illness, incompetency, condition, or disease, is a
1346 danger to himself, herself, or others or lacks the mental
1347 capacity to contract or manage his or her own affairs.

1348 b. Found to be insane, not guilty by reason of mental
1349 disease or defect, found mentally incompetent to stand trial,
1350 or found not guilty by a reason of lack of mental
1351 responsibility by a court in a criminal case, to include
1352 state, federal, and military courts.

1353 c. Involuntarily committed for a final commitment for
1354 inpatient treatment to the Department of Mental Health or a
1355 Veterans' Administration hospital by a court after a hearing.

1356 (8) VALID PROTECTION ORDER. An order issued after a
1357 hearing of which the person received actual notice, and at
1358 which the person had an opportunity to participate, that does
1359 either of the following:

1360 a. Restrains the person from harassing, stalking, or
1361 threatening a qualified individual or child of the qualified
1362 individual or person or engaging in other conduct that would
1363 place a qualified individual in reasonable fear of bodily
1364 injury to the individual or child and that includes a finding
1365 that the person represents a credible threat to the physical
1366 safety of the qualified individual or child.

1367 b. By its terms, explicitly prohibits the use,
1368 attempted use, or threatened use of physical force against the
1369 qualified individual or child that would reasonably be
1370 expected to cause bodily injury."

1371 Section 6. Section 30-5-2, Code of Alabama 1975, is
1372 amended to read as follows:

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1373 "§30-5-2

1374 In this chapter, the following words shall have the
1375 following meanings unless the context clearly indicates
1376 otherwise:

1377 (1) ABUSE. An act committed against a victim, which is
1378 any of the following:

1379 a. Arson. Arson as defined under Sections 13A-7-40
1380 ~~to~~through 13A-7-43, ~~inclusive~~.

1381 b. Assault. Assault as defined under Sections 13A-6-20
1382 ~~to~~through 13A-6-22, ~~inclusive~~.

1383 c. Attempt. Attempt as defined under Section 13A-4-2.

1384 d. Child Abuse. Torture or willful abuse of a child,
1385 aggravated child abuse, or chemical endangerment of a child as
1386 provided in Chapter 15, ~~commencing with Section 26-15-1,~~ of
1387 Title 26, known as the Alabama Child Abuse Act.

1388 e. Criminal Coercion. Criminal coercion as defined
1389 under Section 13A-6-25.

1390 f. Criminal Trespass. Criminal trespass as defined
1391 under Sections 13A-7-2 ~~to~~through 13A-7-4.1, ~~inclusive~~.

1392 g. Harassment. Harassment as defined under Section
1393 13A-11-8.

1394 h. Kidnapping. Kidnapping as defined under Sections
1395 13A-6-43 and 13A-6-44.

1396 i. Menacing. Menacing as defined under Section
1397 13A-6-23.

1398 j. Other Conduct. Any other conduct directed toward a
1399 plaintiff covered by this chapter that could be punished as a
1400 criminal act under the laws of this state.



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1401 k. Reckless Endangerment. Reckless endangerment as
1402 defined under Section 13A-6-24.

1403 l. Sexual Abuse. Any sexual offenses included in
1404 Article 4, ~~commencing with Section 13A-6-60,~~ of Chapter 6 of
1405 Title 13A.

1406 m. Stalking. Stalking as defined under Sections
1407 13A-6-90 ~~to~~through 13A-6-94, ~~inclusive.~~

1408 n. Theft. Theft as defined under Sections 13A-8-1
1409 ~~to~~through 13A-8-5, ~~inclusive.~~

1410 o. Unlawful Imprisonment. Unlawful imprisonment as
1411 defined under Sections 13A-6-41 and 13A-6-42.

1412 (2) CHILD. The term as defined under Section 26-14-1.

1413 (3) CHILD IN COMMON. A child born or unborn of the
1414 parties who share: (i) physical or legal custody; or (ii)
1415 parentage, regardless of any past or present relationship.

1416 ~~(2)~~ (4) COURT. A circuit court judge, a district court
1417 judge appointed as a special circuit court judge pursuant to
1418 law or a district court judge designated by a written standing
1419 order from the presiding circuit court judge to handle
1420 protection from abuse cases.

1421 ~~(3)~~ (5) DATING RELATIONSHIP. A relationship or former
1422 relationship of a romantic or intimate nature characterized by
1423 the expectation of affectionate or sexual involvement by
1424 either party.

1425 a. A dating relationship includes the period of
1426 engagement to be married.

1427 b. A dating relationship does not include a casual or
1428 business relationship or a relationship that ended more than



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1429 12 months prior to the filing of the petition for a protection
1430 order.

1431 (6) DOMESTIC VIOLENCE VICTIM or VICTIM. As defined in
1432 Section 1 of the act amending this section.

1433 (7) GUARDIAN. The term as defined in Section 1 of the
1434 act amending this section.

1435 (8) HOUSEHOLD MEMBER. The term as defined in Section 1
1436 of the act amending this section.

1437 ~~(4)~~ (9) PLAINTIFF. An individual who has standing to
1438 file a petition under Section 30-5-5.

1439 ~~(5)~~ (10) PROTECTION ORDER. Any order of protection from
1440 abuse issued under this chapter for the purpose of preventing
1441 acts of abuse as defined in this chapter.

1442 ~~(6)~~ (11) THREAT. Any word or action, expressed or
1443 implied, made to cause the plaintiff to fear for his or her
1444 safety or for the safety of another person.

1445 (12) WARD. A person who is under the substantial care
1446 and physical, legal, or financial control of a guardian.

1447 ~~(7) VICTIM. An individual who is related in any of the~~
1448 ~~following ways to the person who commits an act of abuse:~~

1449 ~~a. Has a current or former marriage, including common~~
1450 ~~law marriage, with the defendant.~~

1451 ~~b. Has a child in common with the defendant regardless~~
1452 ~~of whether the victim and defendant have ever been married and~~
1453 ~~regardless of whether they are currently residing or have in~~
1454 ~~the past resided together in the same household.~~

1455 ~~c. Has or had a dating relationship with the defendant.~~

1456 ~~A dating relationship does not include a casual or business~~



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1457 ~~relationship or a relationship that ended more than 12 months~~
 1458 ~~prior to the filing of the petition for a protection order.~~

1459 ~~d. Is a current or former household member. For~~
 1460 ~~purposes of this chapter, a "household member" excludes~~
 1461 ~~non-romantic or non-intimate co-residents.~~

1462 ~~e. A relative of a current or former household member~~
 1463 ~~as defined in paragraph d. who also lived with the defendant.~~

1464 ~~f. An individual who is a parent, stepparent, child, or~~
 1465 ~~stepchild.~~

1466 ~~g. An individual who is a grandparent,~~
 1467 ~~step-grandparent, grandchild, or step-grandchild."~~

1468 Section 7. Sections 13A-6-92, 13A-6-95, and 13A-6-96,
 1469 Code of Alabama 1975, are amended to read as follows:

1470 "§13A-6-92

1471 As used in this article, the following terms have the
 1472 following meanings:

1473 (1) COURSE OF CONDUCT. A pattern of conduct composed of
 1474 a series of acts over a period of time which evidences a
 1475 continuity of purpose.

1476 (2) CREDIBLE THREAT. A threat, expressed or implied,
 1477 made with the intent and the apparent ability to carry out the
 1478 threat so as to cause the person who is the target of the
 1479 threat to fear for his or her safety or the safety of a family
 1480 member and to cause reasonable mental anxiety, anguish, or
 1481 fear.

1482 (3) ELECTRONIC TRACKING DEVICE. An electronic or
 1483 mechanical device that permits the tracking of the movement of
 1484 a person or object or the monitoring information of a person

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1485 [or object.](#)

1486 (4) HARASSES. Engages in an intentional course of
1487 conduct directed at a specified person which alarms or annoys
1488 that person, or interferes with the freedom of movement of
1489 that person, and which serves no legitimate purpose. The
1490 course of conduct must be such as would cause a reasonable
1491 person to suffer substantial emotional distress, and must
1492 actually cause substantial emotional distress.

1493 Constitutionally protected conduct is not included within the
1494 definition of this term.

1495 (5) OWNER. An individual, other than the defendant, who
1496 has possession of or any other interest in the property
1497 involved and without whose consent the defendant has no
1498 authority to exert control over the property."

1499 "§13A-6-95

1500 (a) A person who, without the consent of the owner or
1501 except as otherwise authorized by law, places, [whether](#)
1502 [directly, indirectly, or through a third party by any action,](#)
1503 [method, device, or means,](#) any electronic tracking device on
1504 the property of another person with the intent to surveil,
1505 stalk, ~~or~~ harass, [annoy, or alarm another person without a](#)
1506 [legitimate purpose](#) or for any other unlawful purpose, is
1507 guilty of the crime of electronic stalking in the first
1508 degree.

1509 (b) (1) Except as otherwise provided in subdivision (2),
1510 a violation of this section is a Class C felony.

1511 (2) A person who violates this section and whose
1512 conduct violates an existing domestic violence protection



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1513 order, elder abuse protection order, temporary restraining
1514 order, or any other court order, shall be guilty of a Class B
1515 felony.

1516 (c) In any criminal proceeding brought pursuant to this
1517 section, the crime shall be considered to have been committed
1518 in all of the following:

1519 (1) The county in which any part of the crime took
1520 place.

1521 (2) The county where the electronic tracking device was
1522 discovered.

1523 (3) The county of residence of the owner of the
1524 property.

1525 (d) The statute of limitations shall begin at the time
1526 of the discovery of the electronic tracking device.

1527 "§13A-6-96

1528 (a) A person who, without the consent of the owner or
1529 except as otherwise authorized by law, places, whether
1530 directly, indirectly, or through a third party by any action,
1531 method, device, or means, any electronic tracking device on
1532 the property of another person is guilty of the crime of
1533 electronic stalking in the second degree.

1534 (b) A violation of this section is a Class A
1535 misdemeanor.

1536 (c) In any criminal proceeding brought pursuant to this
1537 section, the crime shall be considered to have been committed
1538 in all of the following:

1539 (1) The county in which any part of the crime took
1540 place.



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1541 (2) The county where the electronic tracking device was
1542 discovered.

1543 (3) The county of residence of the owner of the
1544 property.

1545 (d) The statute of limitations shall begin at the time
1546 of the discovery of the electronic tracking device.

1547 Section 8. This act shall become effective on October
1548 1, 2026.