

HB51 INTRODUCED



1 HB51
2 7BN79EE-1
3 By Representative Givens
4 RFD: Judiciary
5 First Read: 13-Jan-26
6 PFD: 05-Nov-25



4 SYNOPSIS:

5 Under existing law, a person commits the crime
6 of assault in the third degree if he or she, with
7 intent to cause physical injury to another individual,
8 causes physical injury to another individual.

9 This bill would provide that a person commits
10 the crime of assault in the second degree if he or she,
11 with intent to cause physical injury to a current or
12 former public official, causes physical injury to an
13 individual.

14 Under existing law, a person commits the crime
15 of harassment if he or she touches another individual
16 or directs obscene or abusive language or gestures
17 toward another individual with intent to harass, annoy,
18 or alarm.

19 Under existing law, a person commits the crime
20 of harassing communications if he or she communicates
21 in a manner likely to harass or cause alarm, makes a
22 telephone call with no legitimate purpose, or
23 telephones another individual and uses lewd or obscene
24 language with intent to harass or alarm.

25 This bill would provide that a person who
26 commits harassment or harassing communications where
27 the victim is a public official commits a Class B
28 misdemeanor.



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This bill would provide penalties for violations.

This bill would also make nonsubstantive, technical revisions to update the existing code language to current style.

A BILL
TO BE ENTITLED
AN ACT

Relating to crimes and offenses; to amend Sections 13A-6-21 and 13A-11-8, Code of Alabama 1975; to further provide for the crimes of assault in the second degree, harassment, and harassing communications; to provide penalties for violations; and to make nonsubstantive, technical revisions to update the existing code language to current style.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 13A-6-21 and 13A-11-8, Code of Alabama 1975, are amended to read as follows:

"§13A-6-21

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

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

(2) With intent to cause physical injury to another



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~~person~~individual, he or she causes physical injury to any ~~person~~individual by means of a deadly weapon or a dangerous instrument.

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

(4) ~~a. With intent to prevent a peace officer, as defined in Section 36-21-60, a detention or correctional officer at any municipal or county jail or state penitentiary, emergency medical personnel, a utility worker, or a firefighter~~any of the following from performing a lawful duty, he or she intends to cause physical injury and he or she causes physical injury to any ~~person~~individual:

a. A peace officer, as defined in Section 36-21-60.

b. A detention or correctional officer at any municipal or county jail or state penitentiary.

c. An emergency medical service personnel.

d. A utility worker.

e. A firefighter.

~~b. For the purpose of this subdivision, a person who is a peace officer who is employed or under contract while off duty by a private or public entity is a peace officer performing a lawful duty when the person is working in his or her approved uniform while off duty with the approval of his or her employing law enforcement agency. Provided, however, that nothing contained in this subdivision shall be deemed or construed as amending, modifying, or extending the classification of a peace officer as off-duty for workers'~~



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85 ~~compensation purposes or any other benefits to which a peace~~
86 ~~officer may otherwise be entitled to under law when considered~~
87 ~~on-duty. Additionally, nothing contained in this subdivision~~
88 ~~shall be deemed or construed as amending, modifying, or~~
89 ~~extending the tort liability of any municipality as a result~~
90 ~~of any action or inaction on the part of an off-duty police~~
91 ~~officer.~~

92 (5) With intent to cause physical injury to a teacher
93 or ~~to~~ an employee of a public educational institution during
94 or as a result of the performance of ~~his or her~~ the teacher's
95 or employee's duty, he or she causes physical injury to any
96 ~~person~~ individual.

97 (6) With intent to cause physical injury to a health
98 care worker, ~~including a nurse, physician, technician, or any~~
99 ~~other person employed by or practicing at a hospital as~~
100 ~~defined in Section 22-21-20; a county or district health~~
101 ~~department; a long-term care facility; a physician's office,~~
102 ~~clinic, or outpatient treatment facility~~ during the course of
103 or as a result of the performance of the duties of the health
104 care worker ~~or other person employed by or practicing at the~~
105 ~~hospital; the county or district health department; any health~~
106 ~~care facility owned or operated by the State of Alabama; the~~
107 ~~long-term care facility; the physician's office, clinic, or~~
108 ~~outpatient treatment facility; or a pharmacist, pharmacy~~
109 ~~technician, pharmacy intern, pharmacy extern, or pharmacy~~
110 ~~cashier; ,~~ he or she causes physical injury to any
111 ~~person~~ individual. ~~This subdivision shall apply to assaults on~~
112 ~~home health care workers while they are in a private~~



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~~residence. This subdivision shall not apply to assaults by patients who are impaired by medication.~~

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

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

(9) With intent to cause physical injury to a letter carrier, as defined in Section 32-6-380, during or as a result of the performance of ~~his or her~~ the letter carrier's duty, he or she causes physical injury to any ~~person~~ individual.

(10) With intent to cause physical injury to a current or former public official, as defined in Section 36-25-1, during or as a result of the performance of the current or former public official's duty, he or she causes physical injury to any individual.

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

(c) (1)a. For the purposes of this section, a peace officer who is employed or under contract while off duty by a private or public entity is a peace officer performing a lawful duty while off duty with the approval of his or her



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employing law enforcement agency.

b. Nothing in this section may be construed to amend, modify, or extend the classification of a peace officer as off duty for workers' compensation purposes or any other benefits to which a peace officer may otherwise be entitled under law when considered off duty.

c. Nothing in this section may be construed to amend, modify, or extend the tort liability of any county or municipality related to any action or inaction by an off-duty peace officer.

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

(3) For purposes of this section, "health care worker" means any individual employed by or practicing at any of the following:

- a. A hospital as defined in Section 22-21-20.
- b. A county or district health department.
- c. A long-term care facility.
- d. A physician's office, clinic, or outpatient treatment facility.

(d) (1) Subdivision (a) (6) shall apply to assaults on



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home health care workers while they are in a private residence.

(2) Subdivision (a) (6) shall not apply to assaults by patients who are impaired by medication."

"§13A-11-8

(a) (1) ~~HARASSMENT.~~ A person commits the crime of harassment if, with intent to harass, annoy, or alarm another ~~person~~individual, he or she ~~either~~does either of the following:

a. Strikes, shoves, kicks, or otherwise touches a ~~person~~any individual or subjects ~~him or her~~any individual to physical contact.

b. Directs abusive or obscene language or makes an obscene gesture ~~towards~~toward another ~~person~~individual.

(2) For purposes of this section, harassment shall include a threat, verbal or nonverbal, made with the intent to carry out the threat, that would cause a reasonable ~~person~~individual who is the target of the threat to fear for his or her safety.

(3) Harassment is a Class C misdemeanor.

(b) (1) ~~HARASSING COMMUNICATIONS.~~ A person commits the crime of harassing communications if, with intent to harass or alarm another ~~person~~individual, he or she does any of the following:

a. Communicates with a ~~person~~any individual, anonymously or otherwise, by telephone, telegraph, mail, or any other form of written or electronic communication, in a manner likely to harass or cause alarm.



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b. Makes a telephone call, whether or not a conversation ensues, with no purpose of legitimate communication.

c. Telephones another ~~person~~ individual and addresses to or about ~~such~~ the other ~~person~~ individual any lewd or obscene words or language.

~~Nothing in this section shall apply to legitimate business telephone communications.~~

(2) Harassing communications is a Class C misdemeanor.

(c) If a person commits a violation of subsection (a) or (b), and the victim is a public official, as defined in Section 36-25-1, the person is guilty of a Class B misdemeanor.

(d) Nothing in this section shall apply to legitimate business telephone communications."

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