

**SB83 INTRODUCED**



1 XDWOE7-1  
2 By Senator Weaver  
3 RFD: Judiciary  
4 First Read: 21-Mar-23  
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SYNOPSIS:

Under existing law, child abuse is a Class C felony.

This bill would expand the definition of child abuse to include certain physical contact of a child five years of age or under and certain physical contact of children with certain mental or developmental disabilities who are 17 years of age or younger, provided the contact was committed with the intent to cause physical injury.

Section 111.05 of the Constitution of Alabama of 2022, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the affected entity; or the Legislature appropriates funds, or provides a local source of revenue, to the entity for the purpose.

The purpose or effect of this bill would be to require a new or increased expenditure of local funds within the meaning of the amendment. However, the bill does not require approval of a local governmental entity or enactment by a 2/3 vote to become effective



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29 because it comes within one of the specified exceptions  
30 contained in the amendment.

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35 A BILL

36 TO BE ENTITLED

37 AN ACT

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39 Relating to child abuse; to amend Section 26-15-3, Code  
40 of Alabama 1975; to further provide for the crime of child  
41 abuse; and in connection therewith would have as its purpose  
42 or effect the requirement of a new or increased expenditure of  
43 local funds within the meaning of Section 111.05 of the  
44 Constitution of Alabama of 2022.

45 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

46 Section 1. Section 26-15-3, Code of Alabama 1975, is  
47 amended to read as follows:

48 "§26-15-3

49 (a) A person commits the crime of child abuse if he or  
50 she, being a responsible person, does any of the following~~as~~  
51 ~~defined in Section 26-15-2, who shall torture, willfully~~  
52 ~~abuse, cruelly beat, or otherwise willfully maltreat any child~~  
53 ~~under the age of 18 years shall, on conviction, be guilty of :~~

54 (1) He or she tortures, willfully abuses, cruelly  
55 beats, or otherwise willfully maltreats a child 17 years of



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56 age or younger.

57 (2) With the intent to cause physical injury, he or she  
58 strikes, shoves, kicks, or otherwise subjects a child five  
59 years of age or younger to physical contact.

60 (3) With the intent to cause physical injury, he or she  
61 strikes, shoves, kicks, or subjects to physical contact a  
62 child 17 years of age or younger in either of the following  
63 scenarios:

64 a. The child is mentally or developmentally disabled or  
65 has been diagnosed with a mental or developmental disorder.

66 b. The child is otherwise physically limited or unable  
67 to communicate.

68 (b) Child abuse is a Class C felony.

69 (c) For the purposes of this section, the term  
70 "physical injury" shall have the same meaning as 13A-1-2."

71 Section 2. Although this bill would have as its purpose  
72 or effect the requirement of a new or increased expenditure of  
73 local funds, the bill is excluded from further requirements  
74 and application under Section 111.05 of the Constitution of  
75 Alabama of 2022, because the bill defines a new crime or  
76 amends the definition of an existing crime.

77 Section 3. This act shall become effective on the first  
78 day of the third month following its passage and approval by  
79 the Governor, or its otherwise becoming law.