HB75 ENROLLED



- 1 HB75
- 2 KNY7A5A-2
- 3 By Representative Ensler
- 4 RFD: Judiciary
- 5 First Read: 06-Feb-24
- 6 PFD: 01-Feb-24



1 Enrolled, An Act,

2

- Relating to crimes and offenses; to amend Section
- 4 13A-6-21, Code of Alabama 1975, to add letter carriers to the
- 5 employees listed in the assault in the second degree statute;
- 6 and in connection therewith would have as its purpose or
- 7 effect the requirement of a new or increased expenditure of
- 8 local funds within the meaning of Section 111.05 of the
- 9 Constitution of Alabama of 2022.
- 10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
- 11 Section 1. Section 13A-6-21, Code of Alabama 1975, is
- 12 amended to read as follows:
- 13 "\$13A-6-21
- 14 (a) A person commits the crime of assault in the second
- degree if the person does any of the following:
- 16 (1) With intent to cause serious physical injury to
- 17 another person, he or she causes serious physical injury to
- 18 any person.
- 19 (2) With intent to cause physical injury to another
- 20 person, he or she causes physical injury to any person by
- 21 means of a deadly weapon or a dangerous instrument.
- 22 (3) He or she recklessly causes serious physical injury
- 23 to another person by means of a deadly weapon or a dangerous
- 24 instrument.
- 25 (4) a. With intent to prevent a peace officer, as
- defined in Section 36-21-60, a detention or correctional
- 27 officer at any municipal or county jail or state penitentiary,
- 28 emergency medical personnel, a utility worker, or a



- firefighter from performing a lawful duty, he or she intends to cause physical injury and he or she causes physical injury to any person.
- 32 b. For the purpose of this subdivision, a person who is a peace officer who is employed or under contract while off 33 34 duty by a private or public entity is a peace officer 35 performing a lawful duty when the person is working in his or 36 her approved uniform while off duty with the approval of his 37 or her employing law enforcement agency. Provided, however, that nothing contained in this subdivision shall be deemed or 38 39 construed as amending, modifying, or extending the classification of a peace officer as off-duty for workers 40 compensation purposes or any other benefits to which a peace 41 42 officer may otherwise be entitled to under law when considered 43 on-duty. Additionally, nothing contained in this subdivision 44 shall be deemed or construed as amending, modifying, or 45 extending the tort liability of any municipality as a result 46 of any action or inaction on the part of an off-duty police 47 officer.
 - (5) With intent to cause physical injury to a teacher or to an employee of a public educational institution during or as a result of the performance of his or her duty, he or she causes physical injury to any person.

48

49

50

51

52

53

54

55

56

(6) With intent to cause physical injury to a health care worker, including a nurse, physician, technician, or any other person employed by or practicing at a hospital as defined in Section 22-21-20; a county or district health department; a long-term care facility; a physician's office,



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

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

70

71

72

73

74

75

76

77

78

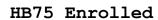
79

80

- (8) With intent to cause physical injury to a Department of Human Resources employee or any employee performing social work, as defined in Section 34-30-1, during or as a result of the performance of his or her duty, he or she causes physical injury to any person.
- 81 (9) With intent to cause physical injury to a letter
 82 carrier, as defined in Section 32-6-380, during or as a result
 83 of the performance of his or her duty, he or she causes
 84 physical injury to any person.



85	(b) Assault in the second degree is a class C felony.
86	(c) For the purposes of this section, "utility worker"
87	means any person who is employed by an entity that owns,
88	operates, leases, or controls any plant, property, or facility
89	for the generation, transmission, manufacture, production,
90	supply, distribution, sale, storage, conveyance, delivery, or
91	furnishing to or for the public of electricity, natural or
92	manufactured gas, water, steam, sewage, or telephone service,
93	including two or more utilities rendering joint service."
94	Section 2. Although this bill would have as its purpose
95	or effect the requirement of a new or increased expenditure of
96	local funds, the bill is excluded from further requirements
97	and application under Section 111.05 of the Constitution of
98	Alabama of 2022, because the bill defines a new crime or
99	amends the definition of an existing crime.
100	Section 3. This act shall become effective on October
101	1, 2024.





134 135			
133	Senate	09-Apr-24	Passed
132	~ .		
131			
130			
129			
128			
127		Clerk	
126		John Treadwell	
125			
124	was pass	sed by the House 20-Feb-24.	
123		hereby certify that the within Act originated in	n and
122			
121		House of Representatives	
120			
119			
118	_	President and Presiding Officer of the Senate	
117	_		
116			
115			
114		speaker of the house of keptebeneaerves	
113	-	Speaker of the House of Representatives	
112			
111			
109 110			
108			
107			
106			
105			
104			
103			
102			

136