

1 SB97
2 126238-2
3 By Senators Figures, Beasley, Irons, Orr, Smitherman, Bedford,
4 Pittman, Ross, Singleton, Sanders, Coleman, Fielding, Keahey,
5 Dunn, Holtzclaw, Williams, Bussman, Smith, Marsh, Dial, Reed,
6 Brooks, Sanford, Holley, Glover, Waggoner, Beason, Allen,
7 Ward, Taylor, McGill, Scofield and Whatley
8 RFD: Judiciary
9 First Read: 01-MAR-11

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

10
11 Relating to children; to prohibit a day care
12 provider or person for hire to leave a child unattended in a
13 motor vehicle unless supervised by a person 14 years of age or
14 older; to provide penalties based on certain factors; and in
15 connection therewith would have as its purpose or effect the
16 requirement of a new or increased expenditure of local funds
17 within the meaning of Amendment 621 of the Constitution of
18 Alabama of 1901, now appearing as Section 111.05 of the
19 Official Recompilation of the Constitution of Alabama of 1901,
20 as amended.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. This act shall be known and cited as the
23 "Amiyah White Unattended Children in Motor Vehicle Safety
24 Act."

25 Section 2. (a) For purposes of this act, the term
26 "motor vehicle" shall mean any motor vehicle as defined in
27 Section 32-1-1.1 of the Code of Alabama 1975.

1 (b) (1) A day care provider or a person for hire
2 responsible for a child 12 years of age or younger shall not
3 leave the child in a motor vehicle unattended unless the child
4 is supervised by a person who is 14 years of age or older.

5 (2) Upon a first conviction, a person violating this
6 section shall be fined not less than two thousand dollars
7 (\$2,000).

8 (3) Upon a second or subsequent conviction which
9 occurs after a conviction has been obtained for a previous
10 violation, a person violating this section shall be guilty of
11 a Class A misdemeanor.

12 (4) If the child is injured as a result of a
13 violation of this section, a person violating this section is
14 guilty of a Class C felony.

15 (5) If the child is fatally injured as a result of a
16 violation of this section, a person violating this section is
17 guilty of a Class B felony.

18 Section 3. Notwithstanding the foregoing, nothing in
19 this act shall limit any existing cause of action or right to
20 bring a cause of action.

21 Section 4. Although this bill would have as its
22 purpose or effect the requirement of a new or increased
23 expenditure of local funds, the bill is excluded from further
24 requirements and application under Amendment 621, now
25 appearing as Section 111.05 of the Official Recompilation of
26 the Constitution of Alabama of 1901, as amended, because the

1 bill defines a new crime or amends the definition of an
2 existing crime.

3 Section 5. This act shall become effective on the
4 first day of the third month following its passage and
5 approval by the Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate
committee on Judiciary..... 01-MAR-11

Read for the second time and placed on the calen-
dar..... 03-MAR-11

Read for the third time and passed as amended 24-MAR-11

Yeas 35
Nays 0

Patrick Harris
Secretary