

1 HB368  
2 116553-2  
3 By Representatives Coleman, Ford, Fields, Gordon, Robinson  
4 (O), Grantland, Williams (J), Spicer, Sherer, Hinshaw, Graham,  
5 Gipson, Thomas (J), Martin, Morrow, Curtis, Hilliard, Todd,  
6 Galliher, Howard, England, Boyd, Ball, Letson, McCampbell,  
7 Vance, Beech, Rogers, McClammy, Hall and McAdory  
8 RFD: Judiciary  
9 First Read: 19-JAN-10

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2 ENROLLED, An Act,

3 To amend Section 13A-6-21 of the Code of Alabama  
4 1975, as amended by Act 2009-586, 2009 Regular Session (Acts  
5 2009, p. 1722), relating to assault in the second degree; to  
6 include utility workers as a protected class from intentional  
7 assault; and in connection therewith would have as its purpose  
8 or effect the requirement of a new or increased expenditure of  
9 local funds within the meaning of Amendment 621 of the  
10 Constitution of Alabama of 1901, now appearing as Section  
11 111.05 of the Official Recompilation of the Constitution of  
12 Alabama of 1901, as amended.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. Section 13A-6-21, Code of Alabama 1975,  
15 is amended to read as follows:

16 "§13A-6-21.

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

19 "(1) With intent to cause serious physical injury to  
20 another person, he or she causes serious physical injury to  
21 any person.

22 "(2) With intent to cause physical injury to another  
23 person, he or she causes physical injury to any person by  
24 means of a deadly weapon or a dangerous instrument.

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

4           "(4) With intent to prevent a peace officer, as  
5 defined in Section 36-21-60, a detention or correctional  
6 officer at any municipal or county jail or state penitentiary,  
7 emergency medical personnel, a utility worker, or a  
8 firefighter from performing a lawful duty, he or she intends  
9 to cause physical injury and he or she causes physical injury  
10 to any person.

11           "(5) With intent to cause physical injury to a  
12 teacher or to an employee of a public educational institution  
13 during or as a result of the performance of his or her duty,  
14 he or she causes physical injury to any person.

15           "(6) With intent to cause physical injury to a  
16 health care worker, including a nurse, physician, technician,  
17 or any other person employed by or practicing at a hospital as  
18 defined in Section 22-21-20; a county or district health  
19 department; a long-term care facility; or a physician's  
20 office, clinic, or outpatient treatment facility during the  
21 course of or as a result of the performance of the duties of  
22 the health care worker or other person employed by or  
23 practicing at the hospital; the county or district health  
24 department; any health care facility owned or operated by the  
25 State of Alabama; the long-term care facility; or the

1 physician's office, clinic, or outpatient treatment facility;  
 2 he or she causes physical injury to any person. This  
 3 subdivision shall not apply to assaults by patients who are  
 4 impaired by medication or to assaults on home health care  
 5 workers while they are in private residences.

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

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

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

23 Section 2. Although this bill would have as its  
 24 purpose or effect the requirement of a new or increased  
 25 expenditure of local funds, the bill is excluded from further

1 requirements and application under Amendment 621, now  
2 appearing as Section 111.05 of the Official ReCompilation of  
3 the Constitution of Alabama of 1901, as amended, because the  
4 bill defines a new crime or amends the definition of an  
5 existing crime.

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

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Speaker of the House of Representatives

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President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in  
and was passed by the House 11-FEB-10.

Greg Pappas  
Clerk

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Senate

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06-APR-10

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Passed