

1 HB312
2 198399-2
3 By Representatives Chestnut, Hollis, Lawrence, Daniels,
4 Coleman, Drummond, Ledbetter and Blackshear
5 RFD: Judiciary
6 First Read: 02-APR-19

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. For the purpose of this subdivision, a person
11 who is a peace officer who is employed or under contract while
12 off duty by a private or public entity is a peace officer
13 performing a lawful duty when the person is working in his or
14 her approved uniform while off duty with the approval of his
15 or her employing law enforcement agency. Provided, however,
16 that nothing contained herein shall be deemed or construed as
17 amending, modifying, or extending the classification of a
18 peace officer as off-duty for workers compensation purposes or
19 any other benefits to which a peace officer may otherwise be
20 entitled to under law when considered on-duty. Additionally,
21 nothing contained herein shall be deemed or construed as
22 amending, modifying, or extending the tort liability of any
23 municipality as a result of any action or inaction on the part
24 of an off-duty police officer.

25 "(5) With intent to cause physical injury to a
26 teacher or to an employee of a public educational institution

1 during or as a result of the performance of his or her duty,
2 he or she causes physical injury to any person.

3 "(6) With intent to cause physical injury to a
4 health care worker, including a nurse, physician, technician,
5 or any other person employed by or practicing at a hospital as
6 defined in Section 22-21-20; a county or district health
7 department; a long-term care facility; or a physician's
8 office, clinic, or outpatient treatment facility during the
9 course of or as a result of the performance of the duties of
10 the health care worker or other person employed by or
11 practicing at the hospital; the county or district health
12 department; any health care facility owned or operated by the
13 State of Alabama; the long-term care facility; or the
14 physician's office, clinic, or outpatient treatment facility;
15 he or she causes physical injury to any person. This
16 subdivision shall not apply to assaults by patients who are
17 impaired by medication or to assaults on home health care
18 workers while they are in private residences.

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

25 "(8) With intent to cause physical injury to a
26 journalist during or as a result of the performance of the

1 journalist's duties, he or she causes physical injury to any
2 person.

3 It shall be an affirmative defense to this provision
4 where the journalist initially and physically impedes the
5 freedom of movement of the person; or, if the journalist
6 impedes law enforcement or first responders from carrying out
7 their duties at the scene of an investigation or accident.

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

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

19 "(d) For the purposes of this section, journalist
20 means any person who is an employee, independent contractor,
21 or agent of an entity or service that disseminates news or
22 information by means of a newspaper, nonfiction book, wire
23 service, news agency, news website, mobile application or
24 other news or information service, whether distributed
25 digitally or otherwise, news program, magazine, or other
26 periodical, whether in print, electronic, or other format, or
27 through television broadcast, radio broadcast, multichannel

1 video programming distributor, as the term is defined in
2 Section 602(13) of the Communications Act of 1934, Title 47
3 United States Code Section 522, or motion picture for public
4 showing, and engages in newsgathering with the primary intent
5 to investigate events or procure material in order to
6 disseminate to the public news or information concerning
7 local, national, or international events or other matters of
8 public interest."

9 Section 2. Although this bill would have as its
10 purpose or effect the requirement of a new or increased
11 expenditure of local funds, the bill is excluded from further
12 requirements and application under Amendment 621, now
13 appearing as Section 111.05 of the Official Recompilation of
14 the Constitution of Alabama of 1901, as amended, because the
15 bill defines a new crime or amends the definition of an
16 existing crime.

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

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Judiciary 02-APR-19

Read for the second time and placed
on the calendar 1 amendment 11-APR-19

Read for the third time and passed
as amended..... 02-MAY-19

Yeas 103, Nays 0, Abstains 0

Jeff Woodard
Clerk