

1 HB304
2 203187-1
3 By Representatives Pettus, Whorton, Hanes, Ledbetter,
4 Reynolds, Farley, Shaver, Robertson, Rowe, Ball and Sorrell
5 RFD: Judiciary
6 First Read: 20-FEB-20

8 SYNOPSIS: Under current law, if a person intends to
9 prevent a first responder from performing a lawful
10 duty and in doing so causes physical injury to any
11 person, he or she is guilty of a Class C felony.

12 This bill would provide that a person who
13 intends to prevent a first responder from
14 performing a lawful duty and in doing so causes
15 physical injury to any person, would be guilty of a
16 Class B felony.

17 This bill would further create the offense
18 of assault or attempted assault of a first
19 responder and would provide penalties.

20 Amendment 621 of the Constitution of Alabama
21 of 1901, now appearing as Section 111.05 of the
22 Official Recompilation of the Constitution of
23 Alabama of 1901, as amended, prohibits a general
24 law whose purpose or effect would be to require a
25 new or increased expenditure of local funds from
26 becoming effective with regard to a local
27 governmental entity without enactment by a 2/3 vote

1 unless: it comes within one of a number of
2 specified exceptions; it is approved by the
3 affected entity; or the Legislature appropriates
4 funds, or provides a local source of revenue, to
5 the entity for the purpose.

6 The purpose or effect of this bill would be
7 to require a new or increased expenditure of local
8 funds within the meaning of the amendment.
9 However, the bill does not require approval of a
10 local governmental entity or enactment by a 2/3
11 vote to become effective because it comes within
12 one of the specified exceptions contained in the
13 amendment

14
15 A BILL
16 TO BE ENTITLED
17 AN ACT

18
19 Relating to crimes and offenses; to amend Sections
20 13A-6-20 and 13A-6-21, Code of Alabama 1975, to add additional
21 activity that would constitute the crime of assault in the
22 first degree; to add Section 13A-6-30 to the Code of Alabama
23 1975, creating the crime of assault or attempted assault on a
24 first responder; and in connection therewith would have as its
25 purpose or effect the requirement of a new or increased
26 expenditure of local funds within the meaning of Amendment 621
27 of the Constitution of Alabama of 1901, now appearing as

1 Section 111.05 of the Official ReCompilation of the
2 Constitution of Alabama of 1901, as amended.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Sections 13A-6-20 and 13A-6-21, Code of
5 Alabama 1975, are amended to read as follows:

6 "§13A-6-20.

7 "(a) A person commits the crime of assault in the
8 first degree if the person does any of the following:

9 "(1) With intent to cause serious physical injury to
10 another person, he or she causes serious physical injury to
11 any person by means of a deadly weapon or a dangerous
12 instrument;~~or.~~

13 "(2) With intent to disfigure another person
14 seriously and permanently, or to destroy, amputate, or disable
15 permanently a member or organ of the body of another person,
16 he or she causes such an injury to any person;~~or.~~

17 "(3) Under circumstances manifesting extreme
18 indifference to the value of human life, he or she recklessly
19 engages in conduct which creates a grave risk of death to
20 another person, and thereby causes serious physical injury to
21 any person;~~or.~~

22 "(4) In the course of and in furtherance of the
23 commission or attempted commission of arson in the first
24 degree, burglary in the first or second degree, escape in the
25 first degree, kidnapping in the first degree, rape in the
26 first degree, robbery in any degree, sodomy in the first
27 degree or any other felony clearly dangerous to human life, or

1 of immediate flight therefrom, he or she causes a serious
2 physical injury to another person;~~or.~~

3 "(5) While driving under the influence of alcohol or
4 a controlled substance or any combination thereof in violation
5 of Section 32-5A-191 or 32-5A-191.3, he or she causes serious
6 physical injury to the person of another with a vehicle or
7 vessel.

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

15 "b. For the purpose of this subdivision, a person
16 who is a peace officer who is employed or under contract while
17 off duty by a private or public entity is a peace officer
18 performing a lawful duty when the person is working in his or
19 her approved uniform while off-duty with the approval of his
20 or her employing law enforcement agency. Provided, however,
21 that nothing contained in this subdivision shall be deemed or
22 construed as amending, modifying, or extending the
23 classification of a peace officer as off-duty for workers'
24 compensation purposes or any other benefits to which a peace
25 officer may otherwise be entitled to under law when considered
26 on-duty.

1 "c. For the purposes of this subdivision, utility
2 worker means any person who is employed by an entity that
3 owns, operates, leases, or controls any plant, property, or
4 facility for the generation, transmission, manufacture,
5 production, supply, distribution, sale, storage, conveyance,
6 delivery, or furnishing to or for the public of electricity,
7 natural or manufactured gas, water, steam, sewage, or
8 telephone service, including two or more utilities rendering
9 joint service.

10 "d. Nothing contained in this subdivision shall be
11 deemed or construed as amending, modifying, or extending the
12 liability of any municipality as a result of any action or
13 inaction on the part of an off-duty police officer.

14 "(b) Assault in the first degree is a Class B
15 felony.

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.

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

1 "~~(4)~~ With intent to prevent a peace officer, as
2 defined in Section 36-21-60, a detention or correctional
3 officer at any municipal or county jail or state penitentiary,
4 emergency medical personnel, a utility worker, or a
5 firefighter from performing a lawful duty, he or she intends
6 to cause physical injury and he or she causes physical injury
7 to any person. For the purpose of this subdivision, a person
8 who is a peace officer who is employed or under contract while
9 off duty by a private or public entity is a peace officer
10 performing a lawful duty when the person is working in his or
11 her approved uniform while off duty with the approval of his
12 or her employing law enforcement agency. Provided, however,
13 that nothing contained herein shall be deemed or construed as
14 amending, modifying, or extending the classification of a
15 peace officer as off-duty for workers compensation purposes or
16 any other benefits to which a peace officer may otherwise be
17 entitled to under law when considered on-duty. Additionally,
18 nothing contained herein shall be deemed or construed as
19 amending, modifying, or extending the tort liability of any
20 municipality as a result of any action or inaction on the part
21 of an off-duty police officer.

22 "(4) ~~(5)~~ With intent to cause physical injury to a
23 teacher or to an employee of a public educational institution
24 during or as a result of the performance of his or her duty,
25 he or she causes physical injury to any person.

26 "(5) ~~(6)~~ With intent to cause physical injury to a
27 health care worker, including a nurse, physician, technician,

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

15 " (6) ~~(7)~~ For a purpose other than lawful medical or
16 therapeutic treatment, he or she intentionally causes stupor,
17 unconsciousness, or other physical or mental impairment or
18 injury to another person by administering to him or her,
19 without his or her consent, a drug, substance or preparation
20 capable of producing the intended harm.

21 "(b) Assault in the second degree is a Class C
22 felony.

23 "~~(c) For the purposes of this section, utility~~
24 ~~worker means any person who is employed by an entity that~~
25 ~~owns, operates, leases, or controls any plant, property, or~~
26 ~~facility for the generation, transmission, manufacture,~~
27 ~~production, supply, distribution, sale, storage, conveyance,~~

1 ~~delivery, or furnishing to or for the public of electricity,~~
2 ~~natural or manufactured gas, water, steam, sewage, or~~
3 ~~telephone service, including two or more utilities rendering~~
4 ~~joint service."~~

5 Section 2. Section 13A-6-30 is added to the Code of
6 Alabama 1975, to read as follows:

7 (a) A person commits the crime of assault or
8 attempted assault of a first responder if any of the following
9 occur:

10 (1) With intent to cause physical injury to an
11 unarmed peace officer, as defined in Section 36-21-60, an
12 unarmed detention or correctional officer at any municipal or
13 county jail or state penitentiary, an unarmed emergency
14 medical personnel, or an unarmed firefighter during or as a
15 result of the performance of his or her duty, he or she causes
16 physical injury to that person by means of a deadly weapon or
17 dangerous instrument.

18 (2) He or she recklessly causes physical injury to
19 an unarmed peace officer, as defined in Section 36-21-60, an
20 unarmed detention or correctional officer at any municipal or
21 county jail or state penitentiary, an unarmed emergency
22 medical personnel, or an unarmed firefighter during or as a
23 result of the performance of his or her duty, by means of a
24 deadly weapon or dangerous instrument.

25 (3) He or she attempts to cause physical injury to
26 an unarmed peace officer, as defined in Section 36-21-60, an
27 unarmed detention or correctional officer at any municipal or

1 county jail or state penitentiary, an unarmed emergency
2 medical personnel, or an unarmed firefighter during or as a
3 result of the performance of his or her duty, by means of a
4 deadly weapon or dangerous instrument.

5 (b) Assault or attempted assault of a first
6 responder is a Class A felony.

7 Section 3. Although this bill would have as its
8 purpose or effect the requirement of a new or increased
9 expenditure of local funds, the bill is excluded from further
10 requirements and application under Amendment 621, now
11 appearing as Section 111.05 of the Official Recompilation of
12 the Constitution of Alabama of 1901, as amended, because the
13 bill defines a new crime or amends the definition of an
14 existing crime.

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