

1 SB41
2 204703-1
3 By Senator Price
4 RFD: Judiciary
5 First Read: 02-FEB-21
6 PFD: 01/12/2021

SYNOPSIS: Under existing law, an individual commits the crime of assault in the second degree by stopping a firefighter from performing a lawful duty.

This bill would clarify that the term firefighter includes volunteer firefighters.

A BILL
TO BE ENTITLED
AN ACT

Relating to assault in the second degree; to amend Section 13A-6-21, Code of Alabama 1975, to clarify the term firefighter includes volunteer firefighters.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§13A-6-21.

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

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

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

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

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

1 contained ~~herein~~ in this subdivision shall be deemed or
2 construed as amending, modifying, or extending the tort
3 liability of any municipality as a result of any action or
4 inaction on the part of an off-duty police officer.

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

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

25 "(7) For a purpose other than lawful medical or
26 therapeutic treatment, he or she intentionally causes stupor,
27 unconsciousness, or other physical or mental impairment or

1 injury to another person by administering to him or her,
2 without his or her consent, a drug, substance or preparation
3 capable of producing the intended harm.

4 "(b) Assault in the second degree is a Class C
5 felony.

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

15 Section 2. 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.