

1 HB133  
2 208575-1  
3 By Representative Brown (C)  
4 RFD: Judiciary  
5 First Read: 02-FEB-21  
6 PFD: 01/26/2021

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8       SYNOPSIS:               Under existing law, the crime of assault in  
9                               the second degree is committed when a person, with  
10                              an intent to prevent a peace officer, detention or  
11                              correctional officer, emergency medical personnel,  
12                              or firefighter from performing a lawful duty,  
13                              intends to cause physical injury and causes  
14                              physical injury to any person.

15                             This bill would establish the crimes of  
16                             assault against a first responder in the first and  
17                             second degrees, would provide criminal penalties,  
18                             including a mandatory minimum sentence for a  
19                             violation, and would provide for a mandatory  
20                             holding period for an arrest. The bill would also  
21                             further provide for the crime of assault in the  
22                             second degree to reflect the creation of the crimes  
23                             of assault against a first responder in the first  
24                             and second degrees.

25                             Under existing law, it is a civil violation  
26                             to damage certain monuments in the state.

1                   This bill would establish the crimes of  
2                   damaging a public monument in the first and second  
3                   degrees, would provide criminal penalties,  
4                   including a mandatory minimum sentence for a  
5                   violation, and would provide for a mandatory  
6                   holding period for an arrest.

7                   Under existing law, the crimes of riot and  
8                   inciting to riot are Class A misdemeanors.

9                   This bill would establish the crime of  
10                  aggravated riot, which would provide heightened  
11                  criminal penalties for participating in a riot  
12                  which results in damage to property or bodily  
13                  injury to any person. The bill would also provide a  
14                  mandatory holding period for an arrest for riot,  
15                  inciting to riot, and aggravated riot, and would  
16                  provide a mandatory minimum sentence for a  
17                  violation.

18                  Under existing law, the crimes of harassment  
19                  and harassing communications are Class C  
20                  misdemeanors.

21                  This bill would provide that when a person  
22                  commits the crime of harassment on or within 10  
23                  feet of the premises of a place of public  
24                  accommodation, the person is guilty of a Class A  
25                  misdemeanor. This bill would also further provide  
26                  for the crime of harassing communications.

1 Under existing law, a person who has been  
2 convicted of a crime of violence, as defined, may  
3 not own a firearm, possess a firearm, or otherwise  
4 have a firearm under his or her custody or control.

5 This bill would further define the term  
6 crime of violence to include persons convicted of  
7 the crimes of assault against a first responder in  
8 the first or second degree, riot, or aggravated  
9 riot.

10 Under existing law, local law enforcement  
11 agencies are primarily funded by the political  
12 subdivisions of the state for whom the agencies  
13 serve.

14 This bill would provide that a political  
15 subdivision of the state that defunds a local law  
16 enforcement agency may not receive any state grant  
17 or aid money and may not receive any allocation of  
18 any state revenues directly shared with local  
19 governments that is not otherwise required by the  
20 Constitution of Alabama of 1901, until the local  
21 law enforcement agency is fully funded, with  
22 exceptions.

23 Under existing law, officers, employees, and  
24 agents of the state are immune from civil liability  
25 in their personal capacity under certain  
26 conditions.

1                   This bill would provide that members of the  
2 governing body of a political subdivision of the  
3 state who defund a local law enforcement agency in  
4 the jurisdiction may be held civilly liable for  
5 violent crimes that occur in the political  
6 subdivision under certain conditions.

7                   Under existing law, a person is ineligible  
8 to hold public office when the person has been  
9 convicted of treason, embezzlement of public funds,  
10 malfeasance of office, larceny, bribery, or any  
11 other crime punishable by imprisonment in the state  
12 or federal penitentiary.

13                   This bill would specify that a person who is  
14 convicted of the crime of riot or aggravated riot  
15 is ineligible to hold public office.

16                   Under existing law, a person charged with  
17 committing a crime is entitled to bail as a matter  
18 of right, with exception.

19                   This bill would specify that a person is not  
20 entitled to bail as a matter of right if there is  
21 probable cause to believe that the person will not  
22 appear for trial or hearing, or that the liberty of  
23 the defendant constitutes an unreasonable danger to  
24 the defendant or the public.

25                   This bill would also create a rebuttable  
26 presumption that if the person is charged with a  
27 violent offense, as defined, the person constitutes

1 an unreasonable danger to the defendant or the  
2 public.

3 Under existing law, the term violent offense  
4 is defined to include certain criminal offenses  
5 that are inherently violent in nature.

6 This bill would include within that  
7 definition the crimes of assault against a first  
8 responder, damaging a public monument, riot, and  
9 aggravated riot.

10 Amendment 621 of the Constitution of Alabama  
11 of 1901, now appearing as Section 111.05 of the  
12 Official Recompilation of the Constitution of  
13 Alabama of 1901, as amended, prohibits a general  
14 law whose purpose or effect would be to require a  
15 new or increased expenditure of local funds from  
16 becoming effective with regard to a local  
17 governmental entity without enactment by a 2/3 vote  
18 unless: it comes within one of a number of  
19 specified exceptions; it is approved by the  
20 affected entity; or the Legislature appropriates  
21 funds, or provides a local source of revenue, to  
22 the entity for the purpose.

23 The purpose or effect of this bill would be  
24 to require a new or increased expenditure of local  
25 funds within the meaning of the amendment. However,  
26 the bill does not require approval of a local  
27 governmental entity or enactment by a 2/3 vote to

1           become effective because it comes within one of the  
2           specified exceptions contained in the amendment.

3  
4                           A BILL  
5                           TO BE ENTITLED  
6                           AN ACT

7  
8           Relating to crimes and offenses; to create the  
9           crimes of assault against a first responder in the first and  
10          second degrees; to create the crimes of damaging a public  
11          monument in the first and second degrees; to amend Sections  
12          13A-11-1, 13A-11-3, 13A-11-4, and 13A-11-70, Code of Alabama  
13          1975; to provide further for the crimes of riot and inciting  
14          to riot; to add Section 13A-11-3.1 to the Code of Alabama  
15          1975, to create the crime of aggravated riot; to amend Section  
16          13A-6-21, Code of Alabama 1975, to provide further for the  
17          crime of assault in the second degree; to amend Sections  
18          13A-11-8 and 13A-6-132, Code of Alabama 1975, to provide  
19          further for the crime of harassment; to add Section 13A-11-8.1  
20          to the Code of Alabama 1975, to provide further for the crime  
21          of harassing communications; to impose a mandatory holding  
22          period and a mandatory minimum sentence for certain  
23          violations; to amend Section 36-1-12, Code of Alabama 1975, to  
24          provide further exceptions to the grant of sovereign immunity;  
25          to amend Section 36-2-1, Code of Alabama 1975, to further  
26          provide for the disqualification from holding public office;  
27          to amend Section 15-13-2, Code of Alabama 1975, to establish a

1       rebuttable presumption against the grant of bail under certain  
2       conditions; to amend Section 12-25-32, Code of Alabama 1975,  
3       to provide further for the definition of violent offense; to  
4       provide restrictions on the issuance of state funds to a  
5       political subdivision that reduces funding to a local law  
6       enforcement agency under certain conditions; and in connection  
7       therewith would have as its purpose or effect the requirement  
8       of a new or increased expenditure of local funds within the  
9       meaning of Amendment 621 of the Constitution of Alabama of  
10       1901, now appearing as Section 111.05 of the Official  
11       Recompilation of the Constitution of Alabama of 1901, as  
12       amended.

13       BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14               Section 1. (a) As used in this section, the term  
15       first responder includes state and local law enforcement  
16       officers, detention and correctional officers at any municipal  
17       or county jail or state penitentiary, fire department and  
18       voluntary fire department personnel, and emergency medical  
19       personnel who are actively employed or on active volunteer  
20       status and who are engaged in the performance of official  
21       duties.

22               (b) A person commits the crime of assault against a  
23       first responder in the first degree when the person knowingly  
24       does any of the following to a first responder:

25               (1) Causes serious physical injury to the first  
26       responder.



1           (2) While using or displaying a deadly weapon,  
2 causes physical injury to the first responder.

3           (3) Causes physical injury to the first responder by  
4 strangulation or attempted strangulation.

5           (4) Causes physical injury to the first responder  
6 during a riot, aggravated riot, or unlawful assembly.

7           (5) Causes physical contact with the first responder  
8 and a reasonable person would regard the contact as extremely  
9 offensive or provocative, including, but not limited to,  
10 spitting, throwing, or otherwise transferring bodily fluids,  
11 bodily pathogens, or human waste onto the person of the first  
12 responder.

13           (c) A person arrested for a violation of this  
14 section may not be admitted to bail until after an appearance  
15 before a judge or magistrate within 48 hours of the arrest,  
16 and if the person is not taken before a judge or magistrate  
17 within 48 hours of the arrest, he or she shall be afforded an  
18 opportunity to make bail in accordance with the Alabama Rules  
19 of Criminal Procedure.

20           (d) Assault against a first responder in the first  
21 degree is a Class B felony. In any sentence imposed for a  
22 violation of this section, the court shall include a mandatory  
23 minimum sentence of one year imprisonment, a fine of fifteen  
24 thousand dollars (\$15,000), and an order of restitution. The  
25 person is not eligible for release from imprisonment until he  
26 or she has served the entire mandatory minimum sentence.

1           (e) The restitution provided for in subsection (d)  
2 shall include, but not be limited to, all of the following:

3           (1) Costs of any and all medical treatment by any  
4 victim of the violation, including physical and occupational  
5 therapy and rehabilitation.

6           (2) Cost of any damage to property or full value of  
7 property if destroyed or damaged beyond repair.

8           (3) Any and all other losses suffered by any victim  
9 as a result of a violation of this section.

10          (f) When a criminal act is done by several persons  
11 under this section, in furtherance of the common intention of  
12 all, each of the persons is liable for that act in the same  
13 manner as if the act were done by the person alone.

14          Section 2. (a) As used in this section, the term  
15 first responder includes state and local law enforcement  
16 officers, detention and correctional officers at any municipal  
17 or county jail or state penitentiary, fire department and  
18 voluntary fire department personnel, and emergency medical  
19 personnel who are actively employed or on active volunteer  
20 status and who are engaged in the performance of official  
21 duties.

22          (b) A person commits the crime of assault against a  
23 first responder in the second degree when the person knowingly  
24 causes physical injury to a first responder.

25          (c) A person arrested for a violation of this  
26 section may not be admitted to bail until after an appearance  
27 before a judge or magistrate within 48 hours of the arrest,

1 and if the person is not taken before a judge or magistrate  
2 within 48 hours of the arrest, he or she shall be afforded an  
3 opportunity to make bail in accordance with the Alabama Rules  
4 of Criminal Procedure.

5 (d) Assault against a first responder in the second  
6 degree is a Class C felony. In any sentence imposed for a  
7 violation of this section, the court shall include a mandatory  
8 minimum sentence of six months' imprisonment, a fine of five  
9 thousand dollars (\$5,000), and an order of restitution. The  
10 person is not eligible for release from imprisonment until he  
11 or she has served the entire mandatory minimum sentence.

12 (e) The restitution provided for in subsection (d)  
13 shall include, but not be limited to, all of the following:

14 (1) Costs of any and all medical treatment of or for  
15 any victim of the violation, including physical and  
16 occupational therapy and rehabilitation.

17 (2) Cost of any damage to property or full value of  
18 property if destroyed or damaged beyond repair.

19 (3) Any and all other losses suffered by any victim  
20 as a result of a violation of this section.

21 (f) When a criminal act is done by several persons  
22 under this section, in furtherance of the common intention of  
23 all, each of the persons is liable for that act in the same  
24 manner as if the act were done by the person alone.

25 Section 3. Sections 13A-6-21 and 13A-6-132, Code of  
26 Alabama 1975, are amended to read as follows:

27 "§13A-6-21.

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

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

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

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

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

1 ~~officer may otherwise be entitled to under law when considered~~  
2 ~~on-duty. Additionally, nothing contained herein shall be~~  
3 ~~deemed or construed as amending, modifying, or extending the~~  
4 ~~tort liability of any municipality as a result of any action~~  
5 ~~or inaction on the part of an off-duty police officer. For the~~  
6 ~~purposes of this subdivision, utility worker means any person~~  
7 ~~who is employed by an entity that owns, operates, leases, or~~  
8 ~~controls any plant, property, or facility for the generation,~~  
9 ~~transmission, manufacture, production, supply, distribution,~~  
10 ~~sale, storage, conveyance, delivery, or furnishing to or for~~  
11 ~~the public of electricity, natural or manufactured gas, water,~~  
12 ~~steam, sewage, or telephone service, including two or more~~  
13 ~~utilities rendering joint service.~~

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

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

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

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

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

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

24 "§13A-6-132.

25 "(a) (1) A person commits domestic violence in the  
26 third degree if the person commits the crime of assault in the  
27 third degree pursuant to Section 13A-6-22; the crime of

1 menacing pursuant to Section 13A-6-23; the crime of reckless  
2 endangerment pursuant to Section 13A-6-24; the crime of  
3 criminal coercion pursuant to Section 13A-6-25; the crime of  
4 harassment pursuant to subsection (a) of Section 13A-11-8; the  
5 crime of criminal surveillance pursuant to Section 13A-11-32;  
6 the crime of harassing communications pursuant to ~~subsection~~  
7 ~~(b) of Section 13A-11-8~~ Section 13A-11-8.1; the crime of  
8 criminal trespass in the third degree pursuant to Section  
9 13A-7-4; the crime of criminal mischief in the second or third  
10 degree pursuant to Sections 13A-7-22 and 13A-7-23; or the  
11 crime of arson in the third degree pursuant to Section  
12 13A-7-43; and the victim is a current or former spouse,  
13 parent, step-parent, child, step-child, any person with whom  
14 the defendant has a child in common, a present household  
15 member, or a person who has or had a dating relationship with  
16 the defendant.

17 "(2) For the purpose of this section, a household  
18 member excludes non-romantic or non-intimate co-residents, and  
19 a dating relationship means a current or former relationship  
20 of a romantic or intimate nature characterized by the  
21 expectation of affectionate or sexual involvement by either  
22 party.

23 "(b) Domestic violence in the third degree is a  
24 Class A misdemeanor. The minimum term of imprisonment imposed  
25 under subsection (a) shall be 30 days without consideration of  
26 reduction in time if a defendant willfully violates a  
27 protection order issued by a court of competent jurisdiction

1 and in the process of violating the order commits domestic  
2 violence in the third degree.

3 "(c) A second conviction under subsection (a) is a  
4 Class A misdemeanor, except the defendant shall serve a  
5 minimum term of imprisonment of 10 days in a city or county  
6 jail or detention facility without consideration for any  
7 reduction in time.

8 "(d) A third or subsequent conviction under  
9 subsection (a) is a Class C felony.

10 "(e) If the defendant has a previous conviction for  
11 domestic violence in the first degree pursuant to Section  
12 13A-6-130, domestic violence in the second degree pursuant to  
13 Section 13A-6-131, domestic violence by strangulation or  
14 suffocation pursuant to Section 13A-6-138, or a domestic  
15 violence conviction or other substantially similar conviction  
16 from another state or jurisdiction, a conviction under  
17 subsection (a) is a Class C felony.

18 "(f) For purposes of determining second, third, or  
19 subsequent number of convictions, convictions in municipal  
20 court shall be included."

21 Section 4. (a) As used in this section, the  
22 following terms shall have the following meanings:

23 (1) MONUMENT. A statue, portrait, or marker that is  
24 intended at the time of dedication to be a permanent memorial  
25 to an event, a group, a movement, or military service that is  
26 part of the history of the people or geography now comprising



1 the State of Alabama, or that after its dedication has become  
2 historically significant to the people of the state.

3 (2) PUBLIC PROPERTY. All property owned or leased by  
4 the state or any of its counties or municipalities.

5 (b) Except as otherwise authorized by law, a person  
6 commits the crime of damaging a public monument in the first  
7 degree if, with intent to damage property and while  
8 participating in a riot, aggravated riot, or unlawful  
9 assembly, he or she mars, marks, defaces, or damages, in a  
10 temporary or permanent manner, a monument located on public  
11 property.

12 (c) A person arrested for a violation of this  
13 section may not be admitted to bail until after an appearance  
14 before a judge or magistrate within 48 hours of the arrest,  
15 and if the person is not taken before a judge or magistrate  
16 within 48 hours of the arrest, he or she shall be afforded an  
17 opportunity to make bail in accordance with the Alabama Rules  
18 of Criminal Procedure.

19 (d) Damaging a public monument in the first degree  
20 is a Class C felony. In any sentence imposed for a violation  
21 of this section, the court shall include a mandatory minimum  
22 sentence of one year imprisonment, a fine of five thousand  
23 dollars (\$5,000), and an order of restitution. The person is  
24 not eligible for release from imprisonment until he or she has  
25 served the entire mandatory minimum sentence.

26 (e) The restitution provided for in subsection (d)  
27 shall include, but not be limited to the cost of any damage to

1 the monument or, if destroyed or damaged beyond repair, the  
2 full value of the monument.

3 (f) When a criminal act is done by several persons  
4 under this section, in furtherance of the common intention of  
5 all, each of the persons is liable for that act in the same  
6 manner as if the act were done by the person alone.

7 Section 5. (a) As used in this section, the  
8 following terms shall have the following meanings:

9 (1) MONUMENT. A statue, portrait, or marker that is  
10 intended at the time of dedication to be a permanent memorial  
11 to an event, a group, a movement, or military service that is  
12 part of the history of the people or geography now comprising  
13 the State of Alabama, or that after its dedication has become  
14 historically significant to the people of the state.

15 (2) PUBLIC PROPERTY. All property owned or leased by  
16 the state or any of its counties or municipalities.

17 (b) Except as otherwise authorized by law, a person  
18 commits the crime of damaging a public monument in the second  
19 degree if, with intent to damage property, he or she mars,  
20 marks, defaces, or damages, in a temporary or permanent  
21 manner, a monument located on public property.

22 (c) A person arrested for a violation of this  
23 section may not be admitted to bail until after an appearance  
24 before a judge or magistrate within 48 hours of the arrest,  
25 and if the person is not taken before a judge or magistrate  
26 within 48 hours of the arrest, he or she shall be afforded an

1 opportunity to make bail in accordance with the Alabama Rules  
2 of Criminal Procedure.

3 (d) Damaging a public monument in the second degree  
4 is a Class D felony. In any sentence imposed for a violation  
5 of this section, the court shall include a mandatory minimum  
6 sentence of six months' imprisonment, a fine of one thousand  
7 dollars (\$1,000), and an order of restitution. The person is  
8 not eligible for release from imprisonment until he or she has  
9 served the entire mandatory minimum sentence.

10 (e) The restitution provided for in subsection (d)  
11 shall include, but not be limited to the cost of any damage to  
12 the monument or, if destroyed or damaged beyond repair, the  
13 full value of the monument.

14 (f) When a criminal act is done by several persons  
15 under this section, in furtherance of the common intention of  
16 all, each of the persons is liable for that act in the same  
17 manner as if the act were done by the person alone.

18 Section 6. Sections 13A-11-1 and 13A-11-3, Code of  
19 Alabama 1975, are amended to read as follows:

20 "§13A-11-1.

21 "The following definitions apply in this article:

22 "(1) OBSTRUCT. To ~~"obstruct" means to~~ render  
23 impassable without unreasonable inconvenience or hazard. A  
24 gathering of persons to hear a person speak or otherwise  
25 communicate does not constitute an obstruction.

26 "(2) PUBLIC PLACE. A place to which the public or a  
27 substantial group of persons has access., ~~and~~ The term

1 includes, but is not limited to, highways, transportation  
2 facilities, schools, places of amusement, parks, playgrounds,  
3 and hallways, lobbies and other portions of apartment houses  
4 not constituting rooms or apartments designed for actual  
5 residence.; ~~provided, that no~~ The term does not include a  
6 private dwelling and no place engaged for a private gathering  
7 is included within the meaning of public place with respect to  
8 any person specifically invited therein.

9 "(3) RIOT. A tumultuous disturbance in a public  
10 place or penal institution by five or more persons assembled  
11 together and acting with a common intent which creates a grave  
12 danger of substantial damage to property or serious bodily  
13 injury to persons or substantially obstructs a law enforcement  
14 or other government function.

15 ~~"(3)~~ (4) TRANSPORTATION FACILITY. Any conveyance,  
16 premises, or place used for or in connection with public  
17 passenger transportation, whether by air, railroad, motor  
18 vehicle, or any other method. ~~It~~ The term includes aircraft,  
19 water craft, railroad cars, buses, and air, boat, railroad,  
20 and bus terminals and stations and all appurtenances thereto.

21 "§13A-11-3.

22 "(a) A person commits the crime of riot if, ~~with~~  
23 ~~five or more other persons, he wrongfully engages in~~  
24 ~~tumultuous and violent conduct and thereby intentionally or~~  
25 ~~recklessly causes or creates a grave risk of public terror or~~  
26 ~~alarm~~ he or she knowingly participates in a riot.

1           "(b) A person arrested for a violation of this  
2 section may not be admitted to bail until after an appearance  
3 before a judge or magistrate within 48 hours of the arrest,  
4 and if the person is not taken before a judge or magistrate  
5 within 48 hours of the arrest, he or she shall be afforded an  
6 opportunity to make bail in accordance with the Alabama Rules  
7 of Criminal Procedure.

8           ~~"(b)~~ (c) Riot is a Class A misdemeanor. In any  
9 sentence imposed for a violation of this section, the court  
10 shall include a mandatory minimum sentence of 30 days'  
11 imprisonment and an order of restitution for any property  
12 damage or loss incurred as a result of the offense. The person  
13 is not eligible for release from imprisonment until he or she  
14 has served the entire mandatory minimum sentence.

15           "(d) The restitution provided for in subsection (c)  
16 shall include, but not be limited to, all of the following:

17           "(1) Costs of any and all medical treatment by any  
18 victim of the violation, including physical and occupational  
19 therapy and rehabilitation.

20           "(2) Cost of any damage to property, or full value  
21 of property if destroyed or damaged beyond repair.

22           "(3) Any and all other losses suffered by any victim  
23 as a result of a violation of this section.

24           "(e) When a criminal act is done by several persons  
25 under this section, in furtherance of the common intention of  
26 all, each of the persons is liable for that act in the same  
27 manner as if the act were done by the person alone."

1           Section 7. Section 13A-11-3.1 is added to Article 1  
2 of Chapter 11 of Title 13A of the Code of Alabama 1975, to  
3 read as follows:

4           §13A-11-3.1.

5           (a) A person commits the crime of aggravated riot if  
6 he or she knowingly participates in a riot, the participants  
7 of which cause damage to property or bodily injury to any  
8 person.

9           (b) A person arrested for a violation of this  
10 section may not be admitted to bail until after an appearance  
11 before a judge or magistrate within 48 hours of the arrest,  
12 and if the person is not taken before a judge or magistrate  
13 within 48 hours of the arrest, he or she shall be afforded an  
14 opportunity to make bail in accordance with the Alabama Rules  
15 of Criminal Procedure.

16           (c) Aggravated riot is a Class C felony. In any  
17 sentence imposed for a violation of this section, the court  
18 shall include a mandatory minimum sentence of six months'  
19 imprisonment and an order of restitution for any property  
20 damage or loss incurred as a result of the offense. The person  
21 is not eligible for release from imprisonment until he or she  
22 has served the entire mandatory minimum sentence.

23           (d) The restitution provided for in subsection (c)  
24 shall include, but not be limited to, all of the following:

25           (1) Costs of any and all medical treatment by any  
26 victim of the violation, including physical and occupational  
27 therapy and rehabilitation.

1 (2) Cost of any damage to property, or full value of  
2 property if destroyed or damaged beyond repair.

3 (3) Any and all other losses suffered by any victim  
4 as a result of a violation of this section.

5 (e) When a criminal act is done by several persons  
6 under this section, in furtherance of the common intention of  
7 all, each of the persons is liable for that act in the same  
8 manner as if the act were done by the person alone.

9 Section 8. Sections 13A-11-4 and 13A-11-8, Code of  
10 Alabama 1975, are amended to read as follows:

11 "§13A-11-4.

12 "(a) A person commits the crime of inciting to riot  
13 if he or she commands, solicits, incites, funds, or urges, or  
14 otherwise aids or abets another person to engage in ~~tumultuous~~  
15 ~~and violent conduct of a kind likely to cause or create a~~  
16 ~~grave risk of public terror or alarm~~ a riot.

17 "(b) A person arrested for a violation of this  
18 section may not be admitted to bail until after an appearance  
19 before a judge or magistrate within 48 hours of the arrest,  
20 and if the person is not taken before a judge or magistrate  
21 within 48 hours of the arrest, he or she shall be afforded an  
22 opportunity to make bail in accordance with the Alabama Rules  
23 of Criminal Procedure.

24 "~~(b)~~ (c) Inciting to riot is a Class A misdemeanor.  
25 In any sentence imposed for a violation of this section, the  
26 court shall include a mandatory minimum sentence of 30 days  
27 imprisonment and an order of restitution for any property

1 damage or loss incurred as a result of the offense. The person  
2 is not eligible for release from imprisonment until he or she  
3 has served the entire mandatory minimum sentence.

4 "(d) The restitution provided for in subsection (c)  
5 shall include, but not be limited to, all of the following:

6 "(1) Costs of any and all medical treatment of or  
7 for any victim of the violation, including physical and  
8 occupational therapy and rehabilitation.

9 "(2) Cost of any damage to property, or full value  
10 of property if destroyed or damaged beyond repair.

11 "(3) Any and all other losses suffered by any victim  
12 as a result of a violation of this section.

13 "(e) When a criminal act is done by several persons  
14 under this section, in furtherance of the common intention of  
15 all, each of the persons is liable for that act in the same  
16 manner as if the act were done by the person alone.

17 "§13A-11-8.

18 "(a) ~~(1) HARASSMENT.~~ A person commits the crime of  
19 harassment if, with intent to harass, annoy, or alarm another  
20 person, he or she does either of the following:

21 ~~a.~~ (1) Strikes, shoves, kicks, or otherwise touches  
22 ~~a~~ another person or otherwise subjects him or her to unwanted  
23 physical contact.

24 ~~b.~~ (2) Directs abusive or obscene language or makes  
25 an obscene gesture towards another person.

26 ~~(2)~~ (b) For purposes of this section, harassment  
27 shall include a threat, verbal or nonverbal, made with the



1 intent to carry out the threat, that would cause a reasonable  
2 person who is the target of the threat to fear for his or her  
3 safety.

4 ~~"(3) (c) (1) Except as provided in subdivision (2),~~  
5 ~~Harassment~~ harassment is a Class C misdemeanor.

6 "(2) Harassment is a Class A misdemeanor if the  
7 crime is committed on or within 10 feet of the premises of a  
8 place of public accommodation, as that term is defined in 42  
9 U.S.C. § 12181.

10 ~~"(b) (1) HARASSING COMMUNICATIONS. A person commits~~  
11 ~~the crime of harassing communications if, with intent to~~  
12 ~~harass or alarm another person, he or she does any of the~~  
13 ~~following:~~

14 ~~"a. Communicates with a person, anonymously or~~  
15 ~~otherwise, by telephone, telegraph, mail, or any other form of~~  
16 ~~written or electronic communication, in a manner likely to~~  
17 ~~harass or cause alarm.~~

18 ~~"b. Makes a telephone call, whether or not a~~  
19 ~~conversation ensues, with no purpose of legitimate~~  
20 ~~communication.~~

21 ~~"c. Telephones another person and addresses to or~~  
22 ~~about such other person any lewd or obscene words or language.~~

23 ~~"Nothing in this section shall apply to legitimate~~  
24 ~~business telephone communications.~~

25 ~~"(2) Harassing communications is a Class C~~  
26 ~~misdemeanor."~~

1                   Section 9. Section 13A-11-8.1 is added to the Code  
2 of Alabama 1975, to read as follows:

3                   §13A-11-8.1.

4                   (a) A person commits the crime of harassing  
5 communications if the person, with intent to harass or alarm  
6 another person, does any of the following:

7                   (1) Contacts another person via telecommunication,  
8 e-mail, text messaging, or any other form of electronic  
9 communication for the purpose of harassing, molesting,  
10 threatening, or intimidating the person or the family of the  
11 person.

12                   (2) Contacts another person via telecommunication,  
13 e-mail, text messaging, or any other form of electronic  
14 communication, with no purpose of legitimate communication,  
15 and directs foul or obscene language to the person.

16                   (3) Threatens bodily harm via telecommunication,  
17 e-mail, text messaging, or any other form of electronic  
18 communication.

19                   (4) Knowingly permits any device used for  
20 telecommunication, e-mail, text messaging, or any other form  
21 of electronic communication under the person's control to be  
22 used for any purpose prohibited by this subsection.

23                   (b) Nothing in this section shall apply to  
24 legitimate business communications.

25                   (c) Harassing communications is a Class C  
26 misdemeanor.

1           Section 10. Section 13A-11-70, Code of Alabama 1975,  
2 is amended to read as follows:

3           "§13A-11-70.

4           "For the purposes of this division, the following  
5 terms shall have the respective meanings ascribed by this  
6 section:

7           "~~(2)~~(1) CRIME OF VIOLENCE. Any of the following  
8 crimes or an attempt to commit any of them, namely, murder,  
9 manslaughter, (except manslaughter arising out of the  
10 operation of a vehicle), rape, mayhem, assault with intent to  
11 rob, assault with intent to ravish, assault with intent to  
12 murder, robbery, burglary, ~~and~~ kidnapping, assault against a  
13 first responder in the first or second degree, riot, and  
14 aggravated riot. "Crime of violence" shall also mean any Class  
15 A felony or any Class B felony that has as an element serious  
16 physical injury, the distribution or manufacture of a  
17 controlled substance, or is of a sexual nature involving a  
18 child under the age of 12.

19           "~~(3)~~(2) PERSON. ~~Such~~ The term includes any firm,  
20 partnership, association, or corporation.

21           "~~(1)~~(3) PISTOL. Any firearm with a barrel less than  
22 12 inches in length."

23           Section 11. (a) As used in this section, the term  
24 defunded jurisdiction means a political subdivision of the  
25 state that does either of the following:

26           (1) Abolishes or disbands, or substantially  
27 abolishes or disbands, the law enforcement agency of the

1 political subdivision without an intention to immediately  
2 reconstitute the agency.

3 (2) Reduces by 10 percent or more the budget of the  
4 law enforcement agency of the political subdivision without  
5 reallocating a substantial majority of that money to another  
6 community policing program; provided, that the jurisdiction  
7 did not face a decrease in revenues of 10 percent or more in  
8 the previous fiscal year, as certified by the Alabama  
9 Department of Examiners of Public Accounts.

10 (b) A defunding jurisdiction is not eligible for and  
11 may not receive any of the following:

12 (1) A state grant, gift, endowment, or any other sum  
13 of money or aid from the State of Alabama or a department,  
14 board, or agency thereof, including the Community Development  
15 Block Grant program administered by the Alabama Department of  
16 Economic and Community Affairs.

17 (2) Any allocation of any state revenues directly  
18 shared with local governing bodies not otherwise guaranteed by  
19 the Constitution of Alabama of 1901, including, but not  
20 limited to, all of the following:

21 a. Motor carrier fuel tax revenues collected  
22 pursuant to Sections 40-17-140 through 40-17-155, Code of  
23 Alabama 1975.

24 b. Gasoline tax revenues collected pursuant to  
25 Sections 40-17-320 through 40-17-363, Code of Alabama 1975.

26 c. Business privilege tax revenues collected  
27 pursuant to Sections 40-14A-1, 40-14A-2, 40-14A-21 through

1 40-14A-29, and 40-14A-41 through 40-14A-43, Code of Alabama  
2 1975.

3 d. Alcoholic Beverage Control Board licensing and  
4 penalty revenue collected pursuant to Sections 28-3-1, 28-3A-1  
5 through 28-3A-26, 28-4A-1 through 28-4A-6, 28-7-5 through  
6 28-7-15, and 28-10-1 through 28-10-8, Code of Alabama 1975.

7 e. Motor vehicle license tax or registration fee  
8 revenues collected pursuant to Sections 32-6-51 through  
9 32-6-710 and Sections 40-12-240 through 40-12-302, Code of  
10 Alabama 1975.

11 f. Cigarette tax revenues collected pursuant to  
12 Section 40-25-1 through 40-25-29, 40-25-40 through 40-25-47,  
13 and 40-25-70, Code of Alabama 1975.

14 g. Beer tax revenues collected pursuant to Sections  
15 28-3-1 and 28-3-183 through 28-3-199, Code of Alabama 1975.

16 h. Tobacco tax revenues, excluding cigarettes,  
17 collected pursuant to Sections 40-25-1 through 40-25-29,  
18 40-25-40 through 40-25-47, and 40-25-70, Code of Alabama 1975.

19 (c) For purposes of the exception to the grant of  
20 sovereign immunity under Section 36-1-12, Code of Alabama  
21 1975, the members of the local governing body of a defunded  
22 jurisdiction shall be deemed to have acted willfully in  
23 failing to provide for the public safety of the political  
24 subdivision.

25 Section 12. Sections 36-1-12 and 36-2-1, Code of  
26 Alabama 1975, are amended to read as follows:

27 "§36-1-12.

1           "(a) For the purposes of this section, "education  
2 employee" means a certified or noncertified employee of the  
3 State Board of Education or any local board of education and  
4 an employee of the Alabama Institute for Deaf and Blind, the  
5 Alabama School of Fine Arts, the Department of Youth Services,  
6 or the Alabama School of Mathematics and Science.

7           "(b) An officer, employee, or agent of the state,  
8 including, but not limited to, an education employee, acting  
9 in his or her official capacity is immune from civil liability  
10 in any suit pursuant to Article I, Section 14, of the  
11 Constitution of Alabama of 1901.

12           "(c) An officer, employee, or agent of the state,  
13 including, but not limited to, an education employee, is  
14 immune from civil liability in his or her personal capacity  
15 when the conduct made the basis of the claim is based upon the  
16 agent's doing any of the following:

17           "(1) Formulating plans, policies, or designs.

18           "(2) Exercising his or her judgment in the  
19 administration of a department or agency of government,  
20 including, but not limited to, examples such as:

21           "a. Making administrative adjudications.

22           "b. Allocating resources.

23           "c. Negotiating contracts.

24           "d. Hiring, firing, transferring, assigning, or  
25 supervising personnel.

26           "(3) Discharging duties imposed on a department or  
27 agency by statute, rule, or regulation, insofar as the

1 statute, rule, or regulation prescribes the manner for  
2 performing the duties and the state agent performs the duties  
3 in that manner.

4 "(4) Exercising judgment in the enforcement of the  
5 criminal laws of the state, including, but not limited to, law  
6 enforcement officers' arresting or attempting to arrest  
7 persons.

8 "(5) Exercising judgment in the discharge of duties  
9 imposed by statute, rule, or regulation in releasing  
10 prisoners, counseling or releasing persons of unsound mind, or  
11 educating students.

12 "(d) Notwithstanding subsection (c), an education  
13 employee, officer, employee, or agent of the state is not  
14 immune from civil liability in his or her personal capacity ~~if~~  
15 under any of the following circumstances:

16 "(1) The Constitution or laws of the United States,  
17 or the Constitution of this state, or laws, rules, or  
18 regulations of this state enacted or ~~promulgated~~ adopted for  
19 the purpose of regulating the activities of a governmental  
20 agency require otherwise; ~~or.~~

21 "(2) The education employee, officer, employee, or  
22 agent acts willfully, maliciously, fraudulently, in bad faith,  
23 beyond his or her authority, or under a mistaken  
24 interpretation of the law.

25 "(3) A person, who is the victim of a crime of  
26 violence that occurred in a defunded jurisdiction, as defined  
27 in Section 11 of the act amending this code section,

1 establishes by clear and convincing evidence that the officer,  
2 employee, or agent of the state is a member of the governing  
3 body of the defunded jurisdiction and acted willfully in  
4 failing to provide for the protection of persons and property  
5 in the jurisdiction.

6 "(e) This section shall not be construed to  
7 eliminate, alter, or otherwise modify any other immunity  
8 regarding officers, employees, or agents of the state  
9 established under the Constitution and laws of this state.

10 "§36-2-1.

11 "(a) The following persons shall be ineligible to  
12 and disqualified from holding office under the authority of  
13 this state:

14 "(1) Those who are not qualified electors, except as  
15 otherwise expressly provided~~7~~.

16 "(2) Those who have not been inhabitants of the  
17 state, county, district~~,~~ or circuit for the period required by  
18 the constitution and laws of the state~~7~~.

19 "(3) Those who ~~shall~~ have been convicted of treason,  
20 embezzlement of public funds, malfeasance in office, larceny,  
21 bribery, riot, inciting to riot, aggravated riot, or any other  
22 crime punishable by imprisonment in the state or federal  
23 penitentiary and those who are ~~idiots~~ mentally impaired or  
24 insane~~7~~.

25 "(4) Those against whom there is a judgment unpaid  
26 for any ~~moneys~~ monies received by them in any official



1 capacity due to the United States, this state or any county or  
2 municipality thereof;~~and.~~

3 "(5) Soldiers, seamen, or marines in the regular  
4 ~~Army or Navy~~ Armed Forces of the United States.

5 "(b) No person holding an office of profit under the  
6 United States shall, during his continuance in such office,  
7 hold any office of profit under this state, nor shall any  
8 person hold two offices of profit at one and the same time  
9 under this state, except constables, notaries public, and  
10 commissioners of deeds."

11 Section 13. Section 15-13-2, Code of Alabama 1975,  
12 is amended to read as follows:

13 "§15-13-2.

14 "(a) In all cases other than those specified in  
15 subsection (a) of Section 15-13-3, a defendant who is held in  
16 custody pending trial or hearing for an offense, civil or  
17 criminal contempt, or otherwise is, before conviction,  
18 entitled to bail as a matter of right, unless there is  
19 probable cause to believe that either of the following are  
20 true:

21 "(1) The defendant will not appear for trial or  
22 hearing or as otherwise directed.

23 "(2) The liberty of the defendant constitutes an  
24 unreasonable danger to the defendant or the public.

25 "(b) A court shall presume, subject to rebuttal,  
26 that no condition or combination of conditions will reasonably  
27 assure the appearance of the defendant or the safety of the

1 public if the defendant is currently charged with a violent  
2 offense, as defined under Section 12-25-32."

3 Section 14. Section 12-25-32, Code of Alabama 1975,  
4 is amended to read as follows:

5 "§12-25-32.

6 "For the purposes of this article, the following  
7 terms have the following meanings:

8 "(1) COMMISSION. The Alabama Sentencing Commission,  
9 established as a state agency under the Supreme Court by this  
10 chapter.

11 "(2) CONTINUUM OF PUNISHMENTS. An array of  
12 punishment options, from probation to incarceration, graduated  
13 in restrictiveness according to the degree of supervision of  
14 the offender including, but not limited to, all of the  
15 following:

16 "a. Active Incarceration. A sentence, other than an  
17 intermediate punishment or unsupervised probation, that  
18 requires an offender to serve a sentence of imprisonment. The  
19 term includes time served in a work release program operated  
20 as a custody option by the Alabama Department of Corrections  
21 or in the Supervised Intensive Restitution program of the  
22 Department of Corrections pursuant to Article 7, commencing  
23 with Section 15-18-110, of Chapter 18 of Title 15.

24 "b. Intermediate Punishment. A sentence that may  
25 include assignment to any community based punishment program  
26 or may include probation with conditions or probation in  
27 conjunction with a period of confinement. Intermediate

1       punishments include, but are not limited to, all of the  
2       following options:

3               "1. A split sentence pursuant to Section 15-18-8.

4               "2. Assignment to a community punishment and  
5       corrections program pursuant to the Alabama Community  
6       Punishment and Corrections Act or local acts.

7               "3. Assignment to a community based manual labor  
8       work program pursuant to Sections 14-5-30 to 14-5-37,  
9       inclusive.

10              "4. Intensive probation supervision pursuant to  
11       Section 15-22-56.

12              "5. Cognitive and behavioral training.

13              "6. Community service work.

14              "7. County probation.

15              "8. Day fines or means-based fines.

16              "9. Day reporting.

17              "10. Drug or alcohol testing.

18              "11. Drug court programs.

19              "12. Educational programs.

20              "13. Electronic monitoring.

21              "14. Home confinement or house arrest.

22              "15. Ignition interlock.

23              "16. Intermittent confinement.

24              "17. Jail and prison diversion programs.

25              "18. Job readiness and work.

26              "19. Literacy and basic learning.

27              "20. Pretrial diversion programs.

1                   "21. Residential drug treatment.

2                   "22. Residential community based punishment programs  
3 in which the offender is required to spend at least eight  
4 hours per day, or overnight, within a facility and is required  
5 to participate in activities such as counseling, treatment,  
6 social skills training, or employment training, conducted at  
7 the residential facility or at another specified location.

8                   "23. Restorative justice as established in Section  
9 12-17-226.6.

10                   "(i) Victim impact panels.

11                   "(ii) Voluntary victim offender conferencing.

12                   "(iii) Voluntary victim offender mediation.

13                   "24. Self-help groups.

14                   "25. Sobriety or breath alcohol remote monitoring.

15                   "26. Substance abuse education and treatment.

16                   "27. Treatment alternatives to street crime (TASC).

17                   "28. Voice recognition, curfew restriction, or  
18 employment monitoring.

19                   "29. Work release, other than those work release  
20 programs operated by the Alabama Department of Corrections, as  
21 a custody option.

22                   "c. Unsupervised Probation. A sentence in a criminal  
23 case that includes a period of probation but does not include  
24 supervision, active incarceration, or an intermediate  
25 punishment.

26                   "d. Post-release Supervision. A mandatory period of  
27 supervision following sentences of active incarceration as

1 defined in paragraph a. that may include one or more  
2 intermediate punishment options.

3 "(3) COURT. Unless otherwise stated, a district or  
4 circuit court exercising jurisdiction to sentence felony  
5 offenders.

6 "(4) EVIDENCE-BASED PRACTICES. Policies, procedures,  
7 programs, and practices proven by widely accepted and  
8 published research to reliably produce reductions in  
9 recidivism.

10 "(5) FELONY OFFENSE. A noncapital felony offense.

11 "(6) INITIAL VOLUNTARY STANDARDS. The voluntary  
12 sentencing standards effective on October 1, 2006. These  
13 standards were based on statewide historic sentences imposed  
14 with normative adjustments designed to reflect current  
15 sentencing policies.

16 "(7) NONVIOLENT OFFENSE. All offenses which are not  
17 violent offenses.

18 "(8) NONVIOLENT OFFENDER. Any offender who does not  
19 qualify as a violent offender pursuant to subdivision (14).

20 "(9) OFFENDER. A person convicted of a noncapital  
21 felony offense.

22 "(10) RELEASE AUTHORITY. Any public official,  
23 agency, or other entity authorized by law to release a  
24 sentenced offender from incarceration or other conditions of a  
25 sentence.

26 "(11) VALIDATED RISK AND NEEDS ASSESSMENT. An  
27 actuarial tool that has been validated and established by

1 administrative rule in Alabama to determine the likelihood of  
2 an offender engaging in future criminal behavior. The Board of  
3 Pardons and Paroles and the Department of Corrections shall  
4 adopt compatible tools to conduct a validated risk and needs  
5 assessment upon offenders within the jurisdiction of the  
6 state. A validated risk and needs assessment shall include,  
7 but not be limited to, an offender's prior criminal history,  
8 the nature and severity of the present offense, and potential  
9 for future violence.

10 "(12) TRUTH-IN-SENTENCING STANDARDS. Truth in  
11 sentencing is scheduled to become effective October 1, 2020.

12 "(13) UNDER SUPERVISION. All offenders under the  
13 supervision of any criminal justice agency or program  
14 including, but not limited to, any of the following entities:

15 "a. The Alabama Department of Corrections.

16 "b. State or county probation offices.

17 "c. Community corrections programs pursuant to  
18 Alabama Community Corrections Act.

19 "d. Jails.

20 "e. State or local law enforcement agencies.

21 "f. Any court.

22 "(14) VIOLENT OFFENDER. A violent offender is an  
23 offender who has been convicted of a violent offense, or who  
24 is determined by the trial court judge or a release authority  
25 to have demonstrated a propensity for violence, aggression, or  
26 weapons related behavior based on the criminal history or

1 behavior of the offender while under supervision of any  
2 criminal justice system agency or entity.

3 "(15) VIOLENT OFFENSE.

4 "a. For the purposes of this article, a violent  
5 offense includes each of the following offenses, or any  
6 substantially similar offense to those listed in this  
7 subdivision created after June 20, 2003:

8 "1. Capital murder pursuant to Sections 13A-6-2 and  
9 13A-5-40.

10 "2. Murder pursuant to Section 13A-6-2.

11 "3. Manslaughter pursuant to Section 13A-6-3.

12 "4. Criminally negligent homicide pursuant to  
13 Section 13A-6-4.

14 "5. Assault I pursuant to Section 13A-6-20.

15 "6. Assault II pursuant to Section 13A-6-21.

16 "7. Compelling street gang membership pursuant to  
17 Section 13A-6-26.

18 "8. Kidnapping I pursuant to Section 13A-6-43.

19 "9. Kidnapping II pursuant to Section 13A-6-44.

20 "10. Rape I pursuant to Section 13A-6-61.

21 "11. Rape II pursuant to Section 13A-6-62.

22 "12. Sodomy I pursuant to Section 13A-6-63.

23 "13. Sodomy II pursuant to Section 13A-6-64.

24 "14. Sexual torture pursuant to Section 13A-6-65.1.

25 "15. Sexual abuse I pursuant to Section 13A-6-66.

26 "16. Enticing a child to enter a vehicle for immoral  
27 purposes pursuant to Section 13A-6-69.

1                   "17. Stalking pursuant to Section 13A-6-90.  
2                   "18. Aggravated stalking pursuant to Section  
3 13A-6-91.  
4                   "19. Soliciting a child by computer pursuant to  
5 Section 13A-6-110.  
6                   "20. Domestic violence I pursuant to Section  
7 13A-6-130.  
8                   "21. Domestic violence II pursuant to Section  
9 13A-6-131.  
10                  "22. Burglary I pursuant to Section 13A-7-5.  
11                  "23. Burglary II pursuant to Section 13A-7-6.  
12                  "24. Burglary III pursuant to subdivision (1) or  
13 subdivision (2) of subsection (a) of Section 13A-7-7.  
14                  "25. Arson I pursuant to Section 13A-7-41.  
15                  "26. Criminal possession of explosives pursuant to  
16 Section 13A-7-44.  
17                  "27. Extortion I pursuant to Section 13A-8-14.  
18                  "28. Robbery I pursuant to Section 13A-8-41.  
19                  "29. Robbery II pursuant to Section 13A-8-42.  
20                  "30. Robbery III pursuant to Section 13A-8-43.  
21                  "31. Pharmacy robbery pursuant to Section 13A-8-51.  
22                  "32. Terrorist threats pursuant to Section  
23 13A-10-15.  
24                  "33. Escape I pursuant to Section 13A-10-31.  
25                  "34. Promoting prison contraband I pursuant to  
26 Section 13A-10-36, involving a deadly weapon or dangerous  
27 instrument.



1                   "35. Intimidating a witness pursuant to Section  
2 13A-10-123.

3                   "36. Intimidating a juror pursuant to Section  
4 13A-10-127.

5                   "37. Treason pursuant to Section 13A-11-2.

6                   "38. Discharging a weapon into an occupied building,  
7 dwelling, automobile, etc., pursuant to Section 13A-11-61.

8                   "39. Promoting prostitution I pursuant to Section  
9 13A-12-111.

10                  "40. Production of obscene matter involving a minor  
11 pursuant to Section 13A-12-197.

12                  "41. Trafficking pursuant to Section 13A-12-231.

13                  "42. Child abuse pursuant to Section 26-15-3.

14                  "43. Elder abuse pursuant to Section 38-9-7.

15                  "44. Terrorism pursuant to Section 13A-10-152.

16                  "45. Hindering prosecution for terrorism pursuant to  
17 Section 13A-10-154.

18                  "46. Domestic violence III pursuant to subsection  
19 (d) of Section 13A-6-132.

20                  "47. Domestic violence by strangulation or  
21 suffocation pursuant to Section 13A-6-138.

22                  "48. Human trafficking I pursuant to Section  
23 13A-6-152.

24                  "49. Human trafficking II pursuant to Section  
25 13A-6-153.

26                  "50. Hindering prosecution in the first degree  
27 pursuant to Section 13A-10-43.

1           "51. Riot pursuant to Section 13A-11-3.

2           "52. Aggravated riot pursuant to 13A-11-3.1.

3           "53. Inciting to riot pursuant to 13A-11-4.

4           "54. Assault against a first responder I pursuant to  
5 Section 1 of the act amending this code section.

6           "55. Assault against a first responder II pursuant  
7 to Section 2 of the act amending this code section.

8           "56. Damaging a public monument I pursuant to  
9 Section 4 of the act amending this code section.

10          "57. Damaging a public monument II pursuant to  
11 Section 5 of the act amending this code section.

12          ~~"51.~~ 58. Any substantially similar offense for which  
13 an Alabama offender has been convicted under prior Alabama law  
14 or the law of any other state, the District of Columbia, the  
15 United States, or any of the territories of the United States.

16          "b. The basis for defining these offenses as violent  
17 is that each offense meets at least one of the following  
18 criteria:

19                 "1. Has as an element, the use, attempted use, or  
20 threatened use of a deadly weapon or dangerous instrument or  
21 physical force against the person of another.

22                 "2. Involves a substantial risk of physical injury  
23 against the person of another.

24                 "3. Is a nonconsensual sex offense.

25                 "4. Is particularly reprehensible.

1            "c. Any attempt, conspiracy, or solicitation to  
2            commit a violent offense shall be considered a violent offense  
3            for the purposes of this article.

4            "d. Any criminal offense which meets the criteria  
5            provided in paragraph b. enacted after 2003."

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

14           Section 16. This act shall become effective on the  
15           first day of the third month following its passage and  
16           approval by the Governor, or its otherwise becoming law,  
17           except Section 12 becomes effective upon the passage of a  
18           constitutional amendment authorizing the amendatory language  
19           of the section.