

1 HB291
2 182227-1
3 By Representatives Weaver and Rowe
4 RFD: Judiciary
5 First Read: 23-FEB-17

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8 SYNOPSIS: Under existing law, there is no provision
9 for an individual to be charged with the crime of
10 assault in the second degree if he or she with
11 intent causes physical injury to a social worker or
12 an employee of a social service agency during or as
13 a result of the performance of his or her duty.

14 This bill would make it the crime of assault
15 in the second degree for an individual with intent
16 to cause physical injury to a social worker or an
17 employee of a social service agency during or as a
18 result of the performance of his or her duty.

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

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

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

12
13 A BILL
14 TO BE ENTITLED
15 AN ACT
16

17 Relating to social workers; to amend Section
18 13A-6-21, Code of Alabama 1975, to make it the crime of
19 assault in the second degree for an individual with intent to
20 cause physical injury to a social worker or an employee of a
21 social service agency during or as a result of the performance
22 of his or her duty, cause physical injury to any person, and
23 in connection therewith would have as its purpose or effect
24 the requirement of a new or increased expenditure of local
25 funds within the meaning of Amendment 621 of the Constitution
26 of Alabama of 1901, now appearing as Section 111.05 of the

1 Official Recompilation of the Constitution of Alabama of 1901,
2 as amended.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

6 "§13A-6-21.

7 "(a) A person commits the crime of assault in the
8 second 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.

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

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

18 "(4) With intent to prevent a peace officer, as
19 defined in Section 36-21-60, a detention or correctional
20 officer at any municipal or county jail or state penitentiary,
21 emergency medical personnel, a utility worker, or a
22 firefighter from performing a lawful duty, he or she intends
23 to cause physical injury and he or she causes physical injury
24 to any person. For the purpose of this subdivision, a person
25 who is a peace officer who is employed or under contract while
26 off duty by a private or public entity is a peace officer
27 performing a lawful duty when the person is working in his or

1 her approved uniform while off duty with the approval of his
2 or her employing law enforcement agency. Provided, however,
3 that nothing contained herein shall be deemed or construed as
4 amending, modifying, or extending the classification of a
5 peace officer as off-duty for workers compensation purposes or
6 any other benefits to which a peace officer may otherwise be
7 entitled to under law when considered on-duty. Additionally,
8 nothing contained herein shall be deemed or construed as
9 amending, modifying, or extending the tort liability of any
10 municipality as a result of any action or inaction on the part
11 of an off-duty police officer.

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

16 "(6) With intent to cause physical injury to a
17 social worker or an employee of a social service agency during
18 or as a result of the performance of his or her duty, he or
19 she causes physical injury to any person.

20 "~~(6)~~ (7) With intent to cause physical injury to a
21 health care worker, including a nurse, physician, technician,
22 or any other person employed by or practicing at a hospital as
23 defined in Section 22-21-20; a county or district health
24 department; a long-term care facility; or a physician's
25 office, clinic, or outpatient treatment facility during the
26 course of or as a result of the performance of the duties of
27 the health care worker or other person employed by or

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

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

15 "(b) Assault in the second degree is a Class C
16 felony.

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

26 Section 2. Although this bill would have as its
27 purpose or effect the requirement of a new or increased

1 expenditure of local funds, the bill is excluded from further
2 requirements and application under Amendment 621, now
3 appearing as Section 111.05 of the Official Recompilation of
4 the Constitution of Alabama of 1901, as amended, because the
5 bill defines a new crime or amends the definition of an
6 existing crime.

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