

1 HB8  
2 172835-1  
3 By Representative Beckman  
4 RFD: Judiciary  
5 First Read: 02-FEB-16  
6 PFD: 01/12/2016

8 SYNOPSIS: Existing law provides for the crime of child  
9 abuse if a person tortures, willfully abuses,  
10 cruelly beats, or otherwise willfully maltreats a  
11 child under the age of 18 years. Torture or willful  
12 abuse of a child under age 18 is a Class C felony.  
13 Existing law also provides for the crime of  
14 aggravated child abuse when a person commits  
15 repeated acts of physical or mental abuse of a  
16 child or causes serious physical injury. Aggravated  
17 child abuse is a Class B felony.

18 This bill would create the crime of  
19 aggravated child abuse of a child under age six to  
20 apply when a person commits repeated acts of  
21 physical or mental abuse or causes serious physical  
22 injury to a child under age six. This bill would  
23 make aggravated child abuse of a child under age  
24 six a Class A felony.

25 Amendment 621 of the Constitution of Alabama  
26 of 1901 prohibits a general law whose purpose or  
27 effect would be to require a new or increased

1 expenditure of local funds from becoming effective  
2 with regard to a local governmental entity without  
3 enactment by a 2/3 vote unless: it comes within one  
4 of a number of specified exceptions; it is approved  
5 by the affected entity; or the Legislature  
6 appropriates funds, or provides a local source of  
7 revenue, to the entity for the purpose.

8 The purpose or effect of this bill would be  
9 to require a new or increased expenditure of local  
10 funds within the meaning of Amendment 621. However,  
11 the bill does not require approval of a local  
12 governmental entity or enactment by a 2/3 vote to  
13 become effective because it comes within one of the  
14 specified exceptions contained in Amendment 621.

15  
16 A BILL  
17 TO BE ENTITLED  
18 AN ACT  
19

20 Relating to child abuse; to provide for the crime of  
21 aggravated child abuse of a child less than six years of age;  
22 to provide for penalties; and in connection therewith would  
23 have as its purpose or effect the requirement of a new or  
24 increased expenditure of local funds within the meaning of  
25 Amendment 621 of the Constitution of Alabama of 1901.  
26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1           Section 1. Section 26-15-3.2 is added to the Code of  
2 Alabama 1975, to read as follows:

3           §26-15-3.2

4           (a) A responsible person, as defined in Section  
5 26-15-2, commits the crime of aggravated child abuse of a  
6 child under the age of six if he or she does any of the  
7 following to a child under the age of six years:

8           (1) He or she violates the provisions of Section  
9 26-15-3 by acts taking place on more than one occasion.

10          (2) He or she violates Section 26-15-3 and in so  
11 doing also violates a court order concerning the parties or  
12 injunction.

13          (3) He or she violates the provisions of Section  
14 26-15-3 which causes serious physical injury, as defined in  
15 Section 13A-1-2, to the child.

16          (b) The crime of aggravated child abuse of a child  
17 under the age of six is a Class A felony.

18          Section 2. Although this bill would have as its  
19 purpose or effect the requirement of a new or increased  
20 expenditure of local funds, the bill is excluded from further  
21 requirements and application under Amendment 621 because the  
22 bill defines a new crime or amends the definition of an  
23 existing crime.

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