

1 HB318  
2 145650-1  
3 By Representative Buttram  
4 RFD: Children and Senior Advocacy  
5 First Read: 21-FEB-13

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8 SYNOPSIS: Under existing law, a court with proper  
9 jurisdiction may enter a protection from abuse  
10 order related to domestic violence against the  
11 victim's spouse, former spouse, common-law or  
12 former common-law spouse, a person who shares a  
13 child with the victim, a person who is in a dating  
14 relationship with the victim, or a person who is a  
15 current or former household member of the victim  
16 and who is in, or was engaged in, a romantic or  
17 sexual relationship with the defendant.

18 This bill would allow a court with proper  
19 jurisdiction to enter a protection from abuse order  
20 against an adult child of the victim.

21  
22 A BILL  
23 TO BE ENTITLED  
24 AN ACT

25  
26 To amend Section 30-5-2, Code of Alabama 1975,  
27 relating to the Protection From Abuse Act, to allow a court

1 with proper jurisdiction to enter a protection from abuse  
2 order against an adult child of the victim.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Section 30-5-2, Code of Alabama 1975, is  
5 amended to read as follows:

6 "§30-5-2.

7 "In this chapter, the following words shall have the  
8 following meanings unless the context clearly indicates  
9 otherwise:

10 "(1) ABUSE. The occurrence of conduct directed at a  
11 plaintiff as defined by this chapter, including the following:

12 "a. Arson. Arson as defined under Sections 13A-7-40  
13 to 13A-7-43, inclusive.

14 "b. Assault. Assault as defined under Sections  
15 13A-6-20 to 13A-6-22, inclusive.

16 "c. Attempt. With the intent to commit any crime  
17 under this section or any other criminal act under the laws of  
18 this state, performing any overt act towards the commission of  
19 the offense.

20 "d. Child abuse. Abusing children as defined under  
21 Chapter 15, commencing with Section 26-15-1, of Title 26,  
22 known as the Alabama Child Abuse Act.

23 "e. Criminal coercion. Criminal coercion as defined  
24 under Section 13A-6-25.

25 "f. Criminal trespass. Entering or remaining in the  
26 dwelling or on the premises of another after having been  
27 warned not to do so either orally or in writing by the owner

1 of the premises or other authorized person as defined under  
2 Sections 13A-7-2 to 13A-7-4.1, inclusive.

3 "g. Harassment. Harassment as defined under Section  
4 13A-11-8.

5 "h. Kidnapping. Kidnapping as defined under Sections  
6 13A-6-43 and 13A-6-44.

7 "i. Menacing. Menacing as defined under Section  
8 13A-6-23.

9 "j. Other conduct. Any other conduct directed toward  
10 a plaintiff covered by this chapter that could be punished as  
11 a criminal act under the laws of this state.

12 "k. Reckless endangerment. Reckless endangerment as  
13 defined under Section 13A-6-24.

14 "l. Sexual abuse. Any sexual offenses included in  
15 Article 4, commencing with Section 13A-6-60, of Chapter 6 of  
16 Title 13A.

17 "m. Stalking. Stalking as defined under Sections  
18 13A-6-90 to 13A-6-94, inclusive.

19 "n. Theft. Knowingly obtaining or exerting  
20 unauthorized control or obtaining control by deception over  
21 property owned by or jointly owned by the plaintiff and  
22 another. Theft includes theft as defined under Sections  
23 13A-8-1 to 13A-8-5, inclusive.

24 "o. Unlawful imprisonment. Unlawful imprisonment as  
25 defined under Sections 13A-6-41 and 13A-6-42.

26 "(2) ADULT. Any person 19 years of age or older, or  
27 who otherwise is emancipated.

1           "(3) CHILD. A person 18 years of age or younger.

2           "(4) COURT. A circuit court judge or, when the  
3 circuit court judge is unavailable, a district court judge. A  
4 district court judge may be designated by a written standing  
5 order from the presiding circuit court judge to handle  
6 protection from abuse cases.

7           "(5) PLAINTIFF. For the purposes of this chapter,  
8 the term plaintiff is a person in need of protection from  
9 domestic violence who is 18 years of age or older, is or has  
10 been married, or is emancipated, and has one of the following  
11 relationships with the defendant:

12           "a. ~~Related by marriage~~ Is married to the defendant,  
13 including a common law marriage.

14           "b. Had a former marriage or common law marriage  
15 with the defendant.

16           "c. Has a child in common with the defendant.

17           "d. Has a dating relationship with the defendant. A  
18 dating relationship means a recent frequent, intimate  
19 association, primarily characterized by the expectation of  
20 affectionate or sexual involvement within the last six months.  
21 A dating relationship does not include a casual or business  
22 relationship.

23           "e. Is a current or former household member. A  
24 household member is a person maintaining or having maintained  
25 a living arrangement with the defendant where he or she is in,  
26 or was engaged in, a romantic or sexual relationship.

1                   "f. Is the parent of an adult defendant or was the  
2                   legal guardian of an adult defendant.

3                   "(6) PROTECTION ORDER. Any order of protection  
4                   issued under this chapter for the purpose of preventing acts  
5                   of abuse as defined in this chapter.

6                   "(7) THREAT. Any word or action, expressed or  
7                   implied, made to cause the plaintiff to fear for his or her  
8                   safety or for the safety of another person."

9                   Section 2. This act shall become effective on the  
10                  first day of the third month following its passage and  
11                  approval by the Governor, or its otherwise becoming law.