

1 SB258  
2 147361-3  
3 By Senators Figures, Beasley, Irons, Coleman, Dunn, Singleton,  
4 Smitherman, Ward, Waggoner, Bedford, Beason, Taylor, Allen,  
5 McGill, Whatley, Pittman, Keahey, Dial, Orr, Fielding, Marsh,  
6 Brewbaker, Blackwell, Bussman, Sanders, Williams, Scofield and  
7 Holtzclaw  
8 RFD: Children, Youth Affairs, and Human Resources  
9 First Read: 26-FEB-13

1 SB258

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4 ENROLLED, An Act,

5 Relating to children and incapacitated persons; to  
6 prohibit child and incapacitated person day care providers  
7 from leaving a child or incapacitated person unattended in a  
8 motor vehicle, unless the child or incapacitated person is  
9 supervised by a person of a certain age; to determine  
10 penalties for a first, second, or subsequent conviction when  
11 the child or incapacitated person is injured or fatally  
12 injured; and in connection therewith would have as its purpose  
13 or effect the requirement of a new or increased expenditure of  
14 local funds within the meaning of Amendment 621 of the  
15 Constitution of Alabama of 1901, now appearing as Section  
16 111.05 of the Official Recompilation of the Constitution of  
17 Alabama of 1901, as amended.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. This act shall be known and cited as the  
20 Amiyah White Act.

21 Section 2. (a) For the purposes of this act, the  
22 term motor vehicle shall mean any motor vehicle as defined in  
23 Section 32-1-1.1, Code of Alabama 1975, and the term  
24 incapacitated person shall mean any incapacitated person as  
25 defined in Section 26-2A-20, Code of Alabama 1975.

1           (b) (1) A licensed day care center, a licensed child  
2 care facility, a program providing day care service to  
3 incapacitated persons, or any other child care service that is  
4 exempt from licensing pursuant to Section 38-7-3, Code of  
5 Alabama 1975, or an employee thereof, or a person for hire  
6 responsible for a child under the age of 7 or an incapacitated  
7 person, shall not leave a child or an incapacitated person in  
8 a motor vehicle unattended in a manner that creates an  
9 unreasonable risk of injury or harm.

10           (2) A person violating this section shall be  
11 punished by a fine of not less than two thousand dollars  
12 (\$2,000). If a person has a prior conviction or adjudication  
13 under this section, the offense is a Class C misdemeanor.

14           (3) For purposes of determining prior conviction or  
15 adjudication pursuant to subdivision (2), conviction in  
16 municipal court shall be included.

17           (4) If the child or incapacitated person receives  
18 physical injury as a result of a violation of this section,  
19 the person violating this section is guilty of a Class A  
20 misdemeanor.

21           (5) If the child or incapacitated person receives  
22 serious physical injury as a result of a violation of this  
23 section, the person violating this section is guilty of a  
24 Class C felony.

1           (6) If the child or incapacitated person is fatally  
2 injured as a result of a violation of this section, the person  
3 violating this section is guilty of a Class B felony.

4           Section 3. Notwithstanding the foregoing, nothing in  
5 this act shall limit any existing cause of action or right to  
6 bring a cause of action. A violation of this act shall not be  
7 considered evidence of contributory negligence and the  
8 liability of an insurer shall not be limited or mitigated.

9           Section 4. Although this bill would have as its  
10 purpose or effect the requirement of a new or increased  
11 expenditure of local funds, the bill is excluded from further  
12 requirements and application under Amendment 621, now  
13 appearing as Section 111.05 of the Official Recompilation of  
14 the Constitution of Alabama of 1901, as amended, because the  
15 bill defines a new crime or amends the definition of an  
16 existing crime.

17           Section 5. This act shall become effective on the  
18 first day of the third month following its passage and  
19 approval by the Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

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Speaker of the House of Representatives

SB258

Senate 11-APR-13

I hereby certify that the within Act originated in and passed the Senate.

Patrick Harris  
Secretary

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House of Representatives  
Amended and passed 09-MAY-13

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Senate concurred in House amendment 20-MAY-13

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By: Senator Figures