

1 SB23
2 172835-1
3 By Senators Chambliss and Ward
4 RFD: Judiciary
5 First Read: 02-FEB-16
6 PFD: 01/14/2016

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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.

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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.