

HB389 INTRODUCED



1 HB389
2 EJR7V22-1
3 By Representative Robertson
4 RFD: Judiciary
5 First Read: 05-Feb-26



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4 SYNOPSIS:

5 Under existing law, the crime of domestic
6 violence is committed when a person commits a crime
7 against a victim who has a recognized relationship with
8 the defendant, including the parent, child, or spouse
9 of the defendant.

10 This bill would further provide for the meaning
11 of "victim" for purposes of the crime of domestic
12 violence by including any child of a present household
13 member who also lives in or visits the household of the
14 defendant.

15 This bill would establish a temporary holding
16 period for persons arrested for committing domestic
17 violence.

18 This bill would establish minimum bonding
19 requirements that must be included if a domestic
20 violence defendant is released on bond.

21 Under existing law, the crimes of domestic
22 violence in the first and second degrees have mandatory
23 minimum penalties that are required to be imposed under
24 certain conditions.

25 This bill would provide conditions for the
26 imposition of mandatory minimum penalties for domestic
27 violence in the third degree and domestic violence by
28 strangulation.

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29 Under existing law, when two or more opposing
30 individuals complain of domestic violence against each
31 other, the law enforcement officer is required to
32 attempt to evaluate each complaint and determine who
33 was the predominant aggressor. If it is determined that
34 one individual was the predominant physical aggressor,
35 the officer may arrest that individual.

36 This bill would add additional factors to assist
37 the officer in making the determination of which party
38 was the predominant physical aggressor.

39 Under existing law, law enforcement officers are
40 required to distribute a general summary of the
41 Protection From Abuse Act to domestic violence victims.

42 This bill would substantially revise the
43 required notice and provide mandatory language to be
44 used.

45 This bill would prohibit a law enforcement
46 officer, a prosecuting attorney, or a court official
47 from requiring a victim of a sexual offense or domestic
48 violence to undergo a polygraph examination as a
49 condition of proceeding with the investigation of the
50 offense and would deem any refusal to undertake such an
51 examination as inadmissible in court.

52 Under existing law, each law enforcement agency
53 is required to document and report records of domestic
54 violence incidents.

55 This bill would specify that domestic violence
56 incidents that are investigated but do not result in an



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arrest must be reported and would require the Alabama State Law Enforcement Agency to input the reports into the Law Enforcement Tactical System.

This bill would also revise the crime of electronic stalking to include placing an electronic monitoring device on an individual directly, indirectly, or by means of a third party.

A BILL

TO BE ENTITLED

AN ACT

Relating to domestic violence crimes; to provide
ctions for purposes of the domestic violence law; to
Sections 13A-6-130, 13A-6-131, 13A-6-132, 13A-6-135,
136, 13A-6-137, 13A-6-138, 13A-6-139, 13A-6-139.2,
141, 13A-6-142, and 13A-6-143, Code of Alabama 1975, to
r provide for the crimes of domestic violence in various
s to include the minor children of a party who has a
relationship with the defendant; to establish a
ary holding period and bond requirements for violations;
establish mandatory minimum periods of incarceration for
n violations; to include additional factors for
ining predominant domestic violence aggressor; to
ish mandatory language to be used in the notice
outed to domestic violence victims; to prohibit the

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85 required use of a polygraph device for victims of sexual
86 offenses or domestic violence; to require the reporting of
87 domestic violence incidents that do not result in an arrest;
88 to amend Sections 15-10-3 and 15-13-190, Code of Alabama 1975,
89 to establish a temporary holding period and bond requirements
90 for arrests made for violations of a protection from abuse
91 order; to amend Section 12-25-32, Code of Alabama 1975, to
92 include within the meaning of "violent offense" the crime of
93 domestic violence in the third degree when committed following
94 a previous conviction for domestic violence; to amend Section
95 13A-11-72, as last amended by Act 2025-273, 2025 Regular
96 Session, Code of Alabama 1975, to further provide definitions;
97 to amend Section 30-5-2, Code of Alabama 1975, to further
98 provide definitions; and to amend Sections 13A-6-92, 13A-6-95,
99 and 13A-6-96, Code of Alabama 1975, to further provide for the
100 crime of electronic stalking by prohibiting the placement of
101 an electronic monitoring device indirectly or through a third
102 party.

103 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

104 Section 1. For purposes of Article 7 of Chapter 6 of
105 Title 13A, Code of Alabama 1975, the following terms shall
106 have the following meanings:

107 (1) ASPHYXIA. Any restriction, however slight, of
108 oxygen or blood flow to the body.

109 (2) CHILD. The term as defined under Section 26-14-1,
110 Code of Alabama 1975.

111 (3) CHILD IN COMMON. A child born or unborn of the
112 parties who share: (i) physical or legal custody; or (ii)

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113 parentage, regardless of any past or present relationship.

114 (4) DATING RELATIONSHIP. A substantive romantic or
115 intimate social relationship characterized by the expectation
116 of affection or sexual involvement between the parties over
117 time during the course of the relationship.

118 (5) DOMESTIC VIOLENCE VICTIM or VICTIM. An individual
119 who is related to the domestic violence defendant in any of
120 the following ways:

121 a. A current or former spouse.

122 b. A parent or step-parent.

123 c. A child or step-child.

124 d. A grandparent or step-grandparent.

125 e. A grandchild or step-grandchild.

126 f. A person with whom the defendant has a child in
127 common.

128 g. A present household member.

129 h. A child of a present household member who also lives
130 or visits the household of the defendant.

131 i. A person who has or had a dating relationship with
132 the defendant.

133 j. A ward of a guardian if the guardian is any of the
134 individuals described in this subdivision.

135 (6) GUARDIAN. A person who is the legal guardian or
136 assumed guardian by kinship or friendship of a ward. The term
137 includes a person who has significant care, custody, or
138 control over another individual physically, legally, or
139 financially, and who lives with the individual.

140 (7) HOUSEHOLD MEMBER. An individual who is temporarily



141 or permanently living with the defendant and who is
142 romantically or intimately involved with the defendant. The
143 term does not include co-residents, roommates, or other
144 non-romantic or non-intimate relationships.

145 (8) IN THE PRESENCE OF A CHILD. When an act occurs and
146 a child is present and in a position to see or hear the act;
147 provided, the term does not require the child to have in fact
148 visually or audibly witnessed the act.

149 (9) PHYSICAL HARM. Any injury, illness, or other
150 physiological impairment, including restraint, that results in
151 any measure of harm regardless of its gravity or duration.

152 (10) STRANGULATION. Knowingly, willfully,
153 intentionally, or recklessly causing or attempting to cause
154 asphyxia by closure or compression of the blood vessels or air
155 passages of the neck as a result of external pressure.

156 (11) SUBSTANTIALLY SIMILAR CONVICTION. Any similar
157 offense for which an Alabama offender has been convicted under
158 current or prior Alabama law or the law of any other state,
159 the District of Columbia, the United States, or any of the
160 territories of the United States.

161 (12) SUFOCATION. Knowingly, willfully, intentionally,
162 or recklessly causing or attempting to cause physical harm by
163 intentionally causing asphyxia by depriving a person of air or
164 by preventing a person from breathing through the inhalation
165 of toxic gases or by blocking or obstructing the airway of a
166 person by any means other than by strangulation.

167 (13) WARD. A person who is under the substantial care
168 and physical, legal, or financial control of a guardian.

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169 Section 2. Sections 13A-6-130, 13A-6-131, 13A-6-132,
170 13A-6-135, 13A-6-136, 13A-6-137, 13A-6-138, 13A-6-139,
171 13A-6-139.2, 13A-6-141, 13A-6-142, and 13A-6-143, Code of
172 Alabama 1975, are amended to read as follows:

173 "§13A-6-130

174 (a) ~~(1)~~ A person commits the crime of domestic violence
175 in the first degree if the person commits the crime of assault
176 in the first degree pursuant to Section 13A-6-20; aggravated
177 stalking pursuant to Section 13A-6-91; or burglary in the
178 first degree pursuant to Section 13A-7-5 and the victim is a
179 ~~current or former spouse, parent, step-parent, child,~~
180 ~~step-child, grandparent, step-grandparent, grandchild,~~
181 ~~step-grandchild, any person with whom the defendant has a~~
182 ~~child in common, a present household member, or a person who~~
183 ~~has or had a dating relationship with the defendant~~ domestic
184 violence victim.

185 ~~(2) For the purposes of this section, a household~~
186 ~~member excludes non-romantic or non-intimate co-residents, and~~
187 ~~a dating relationship means a current or former relationship~~
188 ~~of a romantic or intimate nature characterized by the~~
189 ~~expectation of affectionate or sexual involvement by either~~
190 ~~party.~~

191 (b) Domestic violence in the first degree is a Class A
192 felony, except that the defendant shall serve a minimum term
193 of imprisonment of one year without consideration of
194 probation, parole, good time credits, or any other reduction
195 in time for any second or subsequent conviction under this
196 subsection.



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197 (c) The minimum term of imprisonment imposed under
198 subsection (b) shall be double without consideration of
199 probation, parole, good time credits, or any reduction in time
200 if either of the following occurs:

201 (1) A defendant willfully violates a protection order
202 issued by a court of competent jurisdiction and in the process
203 of violating the order commits domestic violence in the first
204 degree.

212 (d) The court shall make a written finding of fact, to
213 be made part of the record upon conviction or adjudication, of
214 whether or not the act was committed in the presence of a
215 child. If a defendant has a trial by jury and the jury finds
216 the defendant guilty, the jury shall also render a special
217 verdict as to whether or not the defendant committed the act
218 in the presence of a child.

222 (2) Any bond, appearance bond, secured appearance bond,
223 or personal recognizance order shall not be enforced or
224 executed, and the defendant shall not be released on bail or



225 otherwise, until the passage of 24 hours has occurred from the
226 time of arrest.

227 (3) Upon the expiration of the temporary holding
228 period, the requirements of Section 15-10-3 or Section
229 15-13-190 shall apply, as applicable.

230 (4) The purpose of this section is to provide the
231 alleged victim with time to seek safety from the defendant and
232 to provide the court time to issue a protection from abuse
233 order, as provided under Section 13A-6-140 et seq., with
234 particularized conditions of release to protect the safety of
235 the alleged victim and the community.

236 (f) If the court grants bond, the conditions of the
237 bond shall do all of the following:

238 (1) Enjoin the defendant from committing or threatening
239 to commit acts of domestic violence against the alleged
240 victim.

241 (2) Restrain and enjoin the defendant from contacting
242 the victim. For purposes of this subdivision, "contacting"
243 includes, but is not limited to, communicating with the victim
244 verbally or in any written form, either in person, by
245 telephone, electronically, or by any other manner, either
246 directly or indirectly through a third person.

247 (3) Prohibit the defendant from possessing a firearm or
248 other weapon specified by the court, except when the weapon is
249 necessary for employment as a law enforcement officer or
250 military personnel.

251 (4) Issue any other order or modification of orders to
252 protect the safety of the alleged victim or to ensure the



253 appearance of the defendant in court."

254 "§13A-6-131

255 (a) ~~(1)~~ A person commits the crime of domestic violence
256 in the second degree if the person commits the crime of
257 assault in the second degree pursuant to Section 13A-6-21; the
258 crime of intimidating a witness pursuant to Section
259 13A-10-123; the crime of stalking in the first degree pursuant
260 to Section 13A-6-90; the crime of burglary in the second or
261 third degree pursuant to Sections 13A-7-6 and 13A-7-7; or the
262 crime of criminal mischief in the first degree pursuant to
263 Section 13A-7-21 and the victim is a ~~current or former spouse,~~
264 ~~parent, step-parent, child, step-child, grandparent,~~
265 ~~step-grandparent, grandchild, step-grandchild, any person with~~
266 ~~whom the defendant has a child in common, a present household~~
267 ~~member, or a person who has or had a dating relationship with~~
268 ~~the defendant domestic violence victim.~~

269 ~~(2) For the purposes of this section, a household~~
270 ~~member excludes non-romantic or non-intimate co-residents, and~~
271 ~~a dating relationship means a current or former relationship~~
272 ~~of a romantic or intimate nature characterized by the~~
273 ~~expectation of affectionate or sexual involvement by either~~
274 ~~party.~~

275 (b) Domestic violence in the second degree is a Class B
276 felony, except the defendant shall serve a minimum term of
277 imprisonment of six months without consideration of probation,
278 parole, good time credits, or any reduction in time for any
279 second or subsequent conviction under this subsection.

280 (c) The minimum term of imprisonment imposed under



281 subsection (b) shall be double without consideration of
282 probation, parole, good time credits, or any reduction in time
283 if either of the following applies:

284 (1) A defendant willfully violates a protection order
285 issued by a court of competent jurisdiction and in the process
286 of violating the order commits domestic violence in the second
287 degree.

288 (2) The offense was committed in the presence of a
289 child ~~under the age of 14 years at the time of the offense,~~
290 ~~who is the victim's child or step-child, the defendant's child~~
291 ~~or step-child, or who is a child residing in or visiting the~~
292 ~~household of the victim or defendant. For purposes of this~~
293 ~~subsection, "in the presence of a child" means that the child~~
294 ~~was in a position to see or hear the act.~~

295 (d) The court shall make a written finding of fact, to
296 be made part of the record upon conviction or adjudication, of
297 whether or not the act was committed in the presence of a
298 child. If a defendant has a trial by jury and the jury finds
299 the defendant guilty, the jury shall also render a special
300 verdict as to whether or not the defendant committed the act
301 in the presence of a child.

302 (e) (1) A person arrested under this section shall be
303 subject to a temporary holding period pursuant to the terms of
304 this subsection.

305 (2) Any bond, appearance bond, secured appearance bond,
306 or personal recognizance order shall not be enforced or
307 executed, and the defendant shall not be released on bail or
308 otherwise, until the passage of 24 hours has occurred from the



309 time of arrest.

310 (3) Upon the expiration of the temporary holding
311 period, the requirements of Section 15-10-3 or Section
312 15-13-190 shall apply, as applicable.

313 (4) The purpose of this section is to provide the
314 alleged victim with time to seek safety from the defendant and
315 to provide the court time to issue a protection from abuse
316 order, as provided under Section 13A-6-140 et seq., with
317 particularized conditions of release to protect the safety of
318 the alleged victim and the community.

319 (f) If the court grants bond, the conditions of the
320 bond shall do all of the following:

321 (1) Enjoin the defendant from committing or threatening
322 to commit acts of domestic violence against the alleged
323 victim.

324 (2) Restrain and enjoin the defendant from contacting
325 the victim. For purposes of this subdivision, "contacting"
326 includes, but is not limited to, communicating with the victim
327 verbally or in any written form, either in person, by
328 telephone, electronically, or by any other manner, either
329 directly or indirectly through a third person.

330 (3) Prohibit the defendant from possessing a firearm or
331 other weapon specified by the court, except when the weapon is
332 necessary for employment as a law enforcement officer or
333 military personnel.

334 (4) Issue any other order or modification of orders to
335 protect the safety of the alleged victim or to ensure the
336 appearance of the defendant in court."



337 "§13A-6-132

338 (a) ~~(1)~~ A person commits domestic violence in the third
339 degree if the person commits the crime of assault in the third
340 degree pursuant to Section 13A-6-22; the crime of menacing
341 pursuant to Section 13A-6-23; the crime of reckless
342 endangerment pursuant to Section 13A-6-24; the crime of
343 criminal coercion pursuant to Section 13A-6-25; the crime of
344 harassment pursuant to ~~subsection (a) of~~ Section 13A-11-8 (a);
345 the crime of criminal surveillance pursuant to Section
346 13A-11-32; the crime of harassing communications pursuant to
347 ~~subsection (b) of~~ Section 13A-11-8 (b); the crime of criminal
348 trespass in the third degree pursuant to Section 13A-7-4; the
349 crime of criminal mischief in the second or third degree
350 pursuant to Sections 13A-7-22 and 13A-7-23; or the crime of
351 arson in the third degree pursuant to Section 13A-7-43~~+~~ and
352 the victim is a ~~current or former spouse, parent, step-parent,~~
353 ~~child, step-child, grandparent, step-grandparent, grandchild,~~
354 ~~step-grandchild, any person with whom the defendant has a~~
355 ~~child in common, a present household member, or a person who~~
356 ~~has or had a dating relationship with the defendant~~ domestic
357 violence victim.

358 ~~(2) For the purpose of this section, a household member~~
359 ~~excludes non-romantic or non-intimate co-residents, and a~~
360 ~~dating relationship means a current or former relationship of~~
361 ~~a romantic or intimate nature characterized by the expectation~~
362 ~~of affectionate or sexual involvement by either party.~~

363 (b) Domestic violence in the third degree shall be
364 punished as follows:



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365 (1) A first conviction is a Class A misdemeanor. ~~The~~
366 ~~minimum term of imprisonment imposed under subsection (a)~~
367 ~~shall be 30 days without consideration of reduction in time if~~
368 ~~a defendant willfully violates a protection order issued by a~~
369 ~~court of competent jurisdiction and in the process of~~
370 ~~violating the order commits domestic violence in the third~~
371 ~~degree.~~

372 ~~(e) (2)~~ A second conviction ~~under subsection (a)~~ is a
373 Class A misdemeanor, except in addition to any other minimum
374 term of imprisonment under this section, the defendant shall
375 serve a minimum term of imprisonment of 10 days in a city or
376 county jail or detention facility without consideration for
377 any reduction in time.

378 ~~(d) (3)~~ A third or subsequent conviction ~~under~~
379 ~~subsection (a)~~ is a Class C felony.

380 ~~(e) (4)~~ If the defendant has a previous conviction for
381 domestic violence in the first degree pursuant to Section
382 13A-6-130, domestic violence in the second degree pursuant to
383 Section 13A-6-131, domestic violence by strangulation or
384 suffocation pursuant to Section 13A-6-138, or a domestic
385 violence conviction or other substantially similar conviction
386 from another state or jurisdiction, a conviction ~~under~~
387 ~~subsection (a)~~ is a Class C felony.

388 ~~(f) (c)~~ For purposes of determining second, third, or
389 subsequent number of convictions, convictions in municipal
390 court shall be included.

391 (d) The minimum term of imprisonment imposed under
392 subsection (b) shall be 30 days without consideration of



393 reduction in time if either of the following apply:

394 (1) The defendant willfully violates a protection order
395 issued by a court of competent jurisdiction and in the process
396 of violating the order commits domestic violence in the third
397 degree.

398 (2) The defendant commits domestic violence in the
399 third degree in the presence of a child and the underlying
400 crime is any of the following:

401 a. Assault in the third degree pursuant to Section
402 13A-6-22.

403 b. Menacing pursuant to Section 13A-6-23.

404 c. Arson in the third degree pursuant to Section
405 13A-7-43.

406 (e) (1) The court shall make written findings of fact,
407 to be made part of the record upon conviction or adjudication,
408 as to whether the act was committed in the presence of a child
409 or, if convicted under subdivision (d) (2), stating the
410 underlying crime.

411 (2) If a defendant has a trial by jury and the jury
412 finds the defendant guilty, the jury shall also render a
413 special verdict as to whether the defendant committed the act
414 in the presence of a child.

415 (f) (1) A person arrested under this section shall be
416 subject to a temporary holding period pursuant to the terms of
417 this subsection.

418 (2) Any bond, appearance bond, secured appearance bond,
419 or personal recognizance order shall not be enforced or
420 executed, and the defendant shall not be released on bail or



421 otherwise, until the passage of 24 hours has occurred from the
422 time of arrest.

423 (3) Upon the expiration of the temporary holding
424 period, the requirements of Section 15-10-3 or Section
425 15-13-190 shall apply, as applicable.

426 (4) The purpose of this section is to provide the
427 alleged victim with time to seek safety from the defendant and
428 to provide the court time to issue a protection from abuse
429 order, as provided under Section 13A-6-140 et seq., with
430 particularized conditions of release to protect the safety of
431 the alleged victim and the community.

432 (g) If the court grants bond, the conditions of the
433 bond shall do all of the following:

434 (1) Enjoin the defendant from committing or threatening
435 to commit acts of domestic violence against the alleged
436 victim.

437 (2) Restrain and enjoin the defendant from contacting
438 the victim. For purposes of this subdivision, "contacting"
439 includes, but is not limited to, communicating with the victim
440 verbally or in any written form, either in person, by
441 telephone, electronically, or by any other manner, either
442 directly or indirectly through a third person.

443 (3) Prohibit the defendant from possessing a firearm or
444 other weapon specified by the court, except when the weapon is
445 necessary for employment as a law enforcement officer or
446 military personnel.

447 (4) Issue any other order or modification of orders to
448 protect the safety of the alleged victim or to ensure the



449 appearance of the defendant in court."

450 "§13A-6-133

451 (a) For the purposes of an arrest without a warrant
452 pursuant to Section 15-10-3, the crimes of domestic violence
453 in the first, second, and third degrees; ~~;~~ violation of a
454 domestic violence protection order; interference with a
455 domestic violence emergency call; and domestic violence by
456 strangulation or suffocation shall be an offense involving
457 domestic violence.

458 (b) A warrantless arrest for an offense involving
459 domestic violence made pursuant to subdivision (8) of
460 ~~subsection (a) of~~ Section 15-10-3 (a) (8), shall include a
461 charge of a crime of domestic violence under this article."

462 "§13A-6-134

463 (a) If a law enforcement officer receives complaints of
464 domestic violence from two or more opposing
465 ~~persons~~ individuals, or if both ~~parties~~ individuals have
466 injuries, the officer shall evaluate each complaint separately
467 to determine who was the predominant aggressor. It is the
468 purpose and intent of this section to avoid, whenever
469 possible, the arrest of both individuals.

470 (b) If the officer determines that one ~~person~~
471 individual was the predominant physical aggressor, that
472 ~~person~~ individual may be arrested. ~~;~~ ~~however, a person~~ However,
473 an individual who acts in a reasonable manner to protect
474 himself or herself or another family or household member from
475 domestic violence may not be arrested for a violation of
476 Section 13A-6-130, 13A-6-131, 13A-6-132, or 13A-6-138.



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477 (c) In determining whether ~~a person~~an individual is the
478 predominant aggressor, the officer shall consider all of the
479 following:

480 (1) Prior complaints of domestic violence.

481 (2) The relative severity of the injuries inflicted on
482 each ~~person~~individual, including whether the injuries are
483 offensive versus defensive in nature.

484 (3) The likelihood of future injury to each
485 ~~person~~individual.

486 (4) Whether the ~~person~~individual had reasonable cause
487 to believe he or she was in imminent danger of becoming a
488 victim of any act of domestic violence.

489 (5) Whether one of the ~~persons~~individuals acted in
490 self-defense.

491 (6) History of violating court orders.

492 (7) The duration and severity of the alleged incident,
493 including whether a weapon was used and whether the incident
494 involved physical harm, sexual assault, or strangulation.

495 (8) History of abuse during pregnancy, animal abuse, or
496 forcible entry into a dwelling.

497 (9) Present or past homicidal or self-harm ideations.

498 ~~(b)~~(d) A law enforcement officer shall not threaten,
499 suggest, or otherwise indicate the possible arrest of all
500 ~~parties~~individuals to discourage the request for intervention
501 by law enforcement by ~~any party~~an individual or base the
502 decision to arrest or not to arrest on either of the
503 following:

504 (1) The specific consent or request of the victim.



505 (2) The officer's perception of the willingness of a
506 victim of or witness to the domestic violence to testify or
507 otherwise participate in a judicial proceeding.

512 (e)(1) In addition to victim information services
513 required pursuant to Section 15-23-62, a law enforcement
514 officer, at the time of initial investigation, shall give a
515 victim of domestic violence notice of the legal rights and
516 remedies available on a standard form developed and
517 distributed by the Alabama State Law Enforcement Agency
518 pursuant to subdivision (2).

519 (2) The agency shall develop a "Legal Rights and
520 Remedies Notice to Victims" that includes a general summary of
521 the provisions of the Protection From Abuse Act using the
522 following language ~~a layperson may understand and the~~
523 ~~statewide domestic violence hotline number,~~ and shall
524 distribute the notice to all law enforcement agencies
525 throughout the state.:

526 "Section I

527 You, as a victim of a crime, may apply for financial
528 benefits under the Alabama Crime Victims Compensation
529 Commission. You may also be eligible for restitution. This
530 assistance lessens the financial burden on innocent victims of
531 violent crime who have suffered a financial loss due to
532 injuries or other qualifying events.



533 For more information contact the Alabama Crime Victims
534 Compensation Commission.

535 Section II

536 A Protection from Abuse ("PFA") proceeding under
537 Section 30-5-1 et seq., Code of Alabama 1975, is available to
538 certain victims of domestic violence. This is a civil
539 proceeding, not a criminal proceeding. A victim, on his or her
540 own, through an attorney, or through a personal
541 representative, may request an order from a judge which will
542 assist in providing protection from abuse by providing
543 specific relief. Relief may include child custody, financial
544 support from the abuser, housing and transportation
545 provisions, and an order of no contact from the abuser. Relief
546 is within the discretion of the judge. By law, there are no
547 costs or fees for seeking and/or receiving a PFA order. More
548 information on Protection From Abuse Orders is available at
549 any Alabama county courthouse.

550 Section III

551 As a victim of a crime, you have legal rights under
552 Alabama's constitution when authorized. Some of those rights
553 include a right:

554 To be informed about your case.

555 To be present and heard when authorized at all crucial
556 stages of criminal proceedings.

557 To refuse a request by the defendant or defendant's
558 attorney for communication or interview.

559 To remain away from the defendant during court
560 sessions.



561 To be notified of an arrest within 60 days. If you have
562 not been notified, you may call the law enforcement agency for
563 the status of the case.

564 The responding officer's name, agency, contact
565 information, and incident report identification number.

566 Section IV

567 The criminal process can be confusing. You are
568 encouraged to ask questions and discuss any concerns with the
569 prosecutor assigned to your case. The criminal process in
570 Alabama generally follows these steps for felonies:
571 investigation, arrest, first appearance by defendant,
572 preliminary hearing, grand jury, and plea or trial. If the
573 case is handled by the municipality, contact the municipal
574 clerk of court for more information.

575 During these stages, there are numerous appearances and
576 hearings. It is very important that you appear in court when
577 summoned because without your assistance it is difficult to
578 prosecute the offender. Contact your victim services officer
579 or prosecutor for all questions. *Only licensed attorneys may
580 give legal advice.

581 Section V

582 As a victim, you may experience any or all of the
583 following:

584 Shock, Disbelief, Numbness, Change in appetite, Change
585 in sleep patterns, Guilt, Shame, Anxiety, Depression,
586 Intrusive thoughts, Anger, and Fatigue. Seeking or receiving
587 assistance is encouraged.

588 Create a safety plan and ensure it is not available to



589 the abuser.

590 (1) Develop a code to alert a trusted person to call
591 law enforcement.

592 (2) Have a bag packed with a change of clothes,
593 important papers, spare keys, cell phone, and cash.

594 (3) In an emergency, dial 9-1-1.

595 (4) Seek out resources for assistance."

596 ~~(d)~~ (f) A law enforcement officer is not liable in any
597 civil action filed by any party for an arrest based on
598 probable cause, enforcement of a court order, or service of
599 process arising from an alleged incident of domestic violence,
600 pursuant to Sections 36-1-12 and 6-5-338, as applicable."

601 "§13A-6-135

602 For the purposes of Chapter 5 of Title 30, the crimes
603 of domestic violence in the first, second, and third degrees;
604 violation of a protection order; interference with a domestic
605 violence emergency call; and domestic violence by suffocation
606 and strangulation shall be included as acts, attempts, or
607 threats of abuse as defined pursuant to Section 30-5-2."

608 "§13A-6-136

609 For the purposes of Article 6, Chapter 3 of Title 30,
610 the definition of "domestic or family abuse" includes an
611 incident of domestic violence in the first, second, or third
612 degrees; violation of a protection order; interference with a
613 domestic violence emergency call; and domestic violence by
614 suffocation and strangulation pursuant to this article."

615 "§13A-6-137

616 (a) A person commits the crime of interference with a



617 domestic violence emergency call if he or she intentionally
618 hinders, obstructs, disconnects, or in any way prevents the
619 domestic violence victim from calling for assistance.

620 (b) Interference with a domestic violence emergency
621 call is a Class B misdemeanor."

622 "§13A-6-138

623 ~~(a) For the purposes of this section, the following~~
624 ~~terms have the following meanings:~~

625 ~~(1) STRANGULATION. Intentionally causing asphyxia by~~
626 ~~closure or compression of the blood vessels or air passages of~~
627 ~~the neck as a result of external pressure on the neck.~~

628 ~~(2) SUFFOCATION. Intentionally causing asphyxia by~~
629 ~~depriving a person of air or by preventing a person from~~
630 ~~breathing through the inhalation of toxic gases or by blocking~~
631 ~~or obstructing the airway of a person, by any means other than~~
632 ~~by strangulation.~~

633 ~~(b) (a)~~ A person commits the crime of domestic violence
634 by strangulation or suffocation if he or she commits an
635 assault with intent to cause physical harm or commits the
636 crime of menacing pursuant to Section 13A-6-23, by
637 strangulation or suffocation or attempted strangulation or
638 suffocation and the victim is a ~~current or former spouse,~~
639 ~~parent, step-parent, child, step-child, grandparent,~~
640 ~~step-grandparent, grandchild, step-grandchild, any person with~~
641 ~~whom the defendant has a child in common, a present household~~
642 ~~member, or a person who has or had a dating relationship with~~
643 ~~the defendant. For the purpose of this section, a household~~
644 ~~member excludes non-romantic or non-intimate co-residents, and~~



645 ~~a dating relationship means a current or former relationship~~
646 ~~of a romantic or intimate nature characterized by the~~
647 ~~expectation of affectionate or sexual involvement by either~~
648 ~~party~~ domestic violence victim.

649 ~~(e) (b) (1) Domestic violence by strangulation or~~
650 ~~suffocation is a Class B felony~~ ~~punishable as provided by law.~~

651 (2) On a second or subsequent offense, the defendant
652 shall serve a minimum term of imprisonment of six months
653 without consideration of probation, parole, good time credits,
654 or any reduction in time.

655 (c) The minimum term of imprisonment under subsection
656 (b) shall be doubled without consideration of probation,
657 parole, good time credits, or any reduction in time if either
658 of the following applies:

659 (1) The defendant willfully violates a protection order
660 issued by a court of competent jurisdiction and in the process
661 of violating the order commits domestic violence in any
662 degree.

663 (2) The offense was committed in the presence of a
664 child.

665 (d) (1) The court shall make a written finding of fact,
666 to be made part of the record upon conviction or adjudication,
667 of whether the act was committed in the presence of a child.

668 (2) If a defendant has a trial by jury and the jury
669 finds the defendant guilty, the jury shall also render a
670 special verdict as to whether the defendant committed the act
671 in the presence of a child.

672 (e) (1) A person arrested under this section shall be



673 subject to a temporary holding period pursuant to the terms of
674 this subsection.

675 (2) Any bond, appearance bond, secured appearance bond,
676 or personal recognizance order shall not be enforced or
677 executed, and the defendant shall not be released on bail or
678 otherwise, until the passage of 24 hours has occurred from the
679 time of arrest.

680 (3) Upon the expiration of the temporary holding
681 period, the requirements of Section 15-10-3 or Section
682 15-13-190 shall apply, as applicable.

683 (4) The purpose of this section is to provide the
684 alleged victim with time to seek safety from the defendant and
685 to provide the court time to issue a protection from abuse
686 order, as provided under Section 13A-6-140 et seq., with
687 particularized conditions of release to protect the safety of
688 the alleged victim and the community.

689 (f) If the court grants bond, the conditions of the
690 bond shall do all of the following:

691 (1) Enjoin the defendant from committing or threatening
692 to commit acts of domestic violence against the alleged
693 victim.

694 (2) Restrain and enjoin the defendant from contacting
695 the victim. For purposes of this subdivision, "contacting"
696 includes, but is not limited to, communicating with the victim
697 verbally or in any written form, either in person, by
698 telephone, electronically, or by any other manner, either
699 directly or indirectly through a third person.

700 (3) Prohibit the defendant from possessing a firearm or



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701 other weapon specified by the court, except when the weapon is
702 necessary for employment as a law enforcement officer or
703 military personnel.

704 (4) Issue any other order or modification of orders to
705 protect the safety of the alleged victim or to ensure the
706 appearance of the defendant in court."

707 "§13A-6-139

708 (a) Notwithstanding any other provision of law, no
709 court costs shall be assessed against any victim of domestic
710 violence, stalking, or sexual assault in connection with the
711 prosecution or warrant recall of a domestic violence,
712 stalking, or sexual assault offense.

713 (b) A law enforcement officer, prosecuting attorney,
714 court official, or any other government official shall not ask
715 or require an adult, minor, or child victim of an alleged
716 domestic violence, stalking or sexual offense to submit to a
717 polygraph examination or other truth-telling device as a
718 condition of proceeding with the investigation of the offense.

719 (c) Any request of or refusal by a victim to submit to
720 a polygraph examination or any other truth-telling device is
721 inadmissible in any criminal or civil action related to
722 domestic violence, stalking, or sexual assault of the victim.

723 (d) The refusal of a victim to submit to a polygraph
724 examination or other truth-telling device does not prevent the
725 investigation, charging, or prosecution of the offense."

726 "§13A-6-139.2

727 (a) Each agency in the state that is involved with the
728 enforcement, monitoring, or prosecution of crimes of domestic



729 violence shall collect and maintain records of each domestic
730 violence incident, including incidents that do not result in
731 an arrest, for access by investigators preparing for bond
732 hearings and prosecutions for acts of domestic violence.

733 (b) Each agency shall transmit the records to the
734 Alabama State Law Enforcement Agency for timely input into the
735 Law Enforcement Tactical System to allow for access to history
736 of domestic violence for safety reasons and charging
737 decisions."

738 "§13A-6-141

739 As used in this article, the following terms ~~shall~~ have
740 the following meanings, respectively, unless the context
741 clearly indicates otherwise:

742 (1) DOMESTIC VIOLENCE PROTECTION ORDER. ~~A domestic~~
743 ~~violence protection order is any~~Any protection from abuse
744 order issued pursuant to the Protection from Abuse Act,
745 ~~Sections 30-5-1 to 30-5-11, inclusive~~Chapter 5 of Title 30.

746 The term includes all of the following:

747 a. A restraining order, injunctive order, or order of
748 release from custody which has been issued in a circuit,
749 district, municipal, or juvenile court in a domestic relations
750 or family violence case~~+~~.

751 b. An order issued by municipal, district, or circuit
752 court which places conditions on the pre-trial release on
753 defendants in criminal cases, including provisions of bail
754 pursuant to Section 15-13-190~~+~~.

755 c. An order issued by another state or territory which
756 may be enforced under Sections 30-5B-1 through 30-5B-10.



757 ~~Restraining or protection orders not issued pursuant to the~~
758 ~~Protection From Abuse Act, Sections 30-5-1 to 30-5-11,~~
759 ~~inclusive, must specify that a history of violence or abuse~~
760 ~~exists for the provisions of this chapter to apply.~~

761 d. Any other restraining or protection order, including
762 an order not issued pursuant to the Protection From Abuse Act,
763 Chapter 5 of Title 30, that specifies that a history of
764 violence or abuse exists.

765 (2) VIOLATION. The knowing commission of any act
766 prohibited by a domestic violence protection order or any
767 willful failure to abide by its terms."

768 "§13A-6-142

769 (a) A person commits the crime of violation of a
770 domestic violence protection order if the person who is
771 subject to an order of protection knowingly commits any act
772 prohibited by a domestic violence protection order or
773 willfully fails to abide by any term of a domestic violence
774 protection order.

775 (b) A violation of a domestic violence protection order
776 is a Class A misdemeanor which shall be punishable as provided
777 by law. A second conviction for violation of a domestic
778 violence protection order, in addition to any other penalty or
779 fine, shall be punishable by a minimum of 30 days imprisonment
780 which may not be suspended. A third or subsequent conviction
781 is a Class C felony.

782 (c) In addition to any other fine or penalty provided
783 by law, the court shall order the defendant to pay an
784 additional fine of fifty dollars (\$50) for a violation of a



785 domestic violence protection order to be distributed to the
786 Domestic Violence Trust Fund, established by Section 30-6-11."
787
"§13A-6-143

788 (a) A law enforcement officer may arrest any person who
789 is subject to a domestic violence protection order for the
790 violation of this article if the officer has probable cause to
791 believe that the person has violated any provision of a valid
792 domestic violence protection order, whether temporary or
793 permanent.

794 (b) The presentation of a domestic violence protection
795 order constitutes probable cause for an officer to believe
796 that a valid order exists.

797 (c) For purposes of this article, the domestic violence
798 protection order may be inscribed on a tangible copy or may be
799 stored in an electronic or other medium if it is retrievable
800 in a detectable form.

801 (d) Presentation of a certified copy or registered
802 order of the domestic violence protection order is not
803 required for enforcement or to allow a law enforcement officer
804 to effect a warrantless arrest.

805 (e) If a domestic violence protection order is not
806 presented to or otherwise confirmed by a law enforcement
807 officer, the officer may consider other information in
808 determining whether there is probable cause to believe that a
809 valid domestic violence protection order exists.

810 (f) The law enforcement officer may arrest the
811 ~~defendant~~ person without a warrant although ~~he or she~~ the law
812 enforcement officer did not personally see the violation.



813 (g) Knowledge by the law enforcement officer of the
814 existence or contents of, or both, or presentation to the
815 officer by the complainant of, a domestic violence protection
816 order shall constitute prima facie evidence of the validity of
817 the order.

818 (h) If a law enforcement officer of this state
819 determines that an otherwise valid domestic violence
820 protection order cannot be enforced because the ~~defendant~~
821 person has not been notified or served with the domestic
822 violence protection order, the law enforcement officer shall
823 inform the ~~defendant~~person of the order and allow the person
824 a reasonable opportunity to comply with the order's provisions
825 before enforcing the order.

826 (i) ~~In the event~~If the law enforcement officer provides
827 notice of the domestic violence protection order to the
828 ~~defendant~~person, the officer shall document this fact and any
829 attendant circumstances in thea written report."

830 Section 3. Sections 15-10-3 and 15-13-190, Code of
831 Alabama 1975, are amended to read as follows:

832 "§15-10-3

833 (a) An officer may arrest a person without a warrant,
834 on any day and at any time in any of the following instances:

835 (1) If a public offense has been committed or a breach
836 of the peace threatened in the presence of the officer.

837 (2) When a felony has been committed, though not in the
838 presence of the officer, by the person arrested.

839 (3) When a felony has been committed and the officer
840 has probable cause to believe that the person arrested



841 committed the felony.

842 (4) When the officer has probable cause to believe that
843 the person arrested has committed a felony, although it may
844 afterwards appear that a felony had not in fact been
845 committed.

846 (5) When a charge has been made, upon probable cause,
847 that the person arrested has committed a felony.

848 (6) When the officer has actual knowledge that a
849 warrant for the person's arrest for the commission of a felony
850 or misdemeanor has been issued, provided the warrant was
851 issued in accordance with this chapter. However, upon request
852 the officer shall show the warrant to the arrested person as
853 soon as possible. If the officer does not have the warrant in
854 his or her possession at the time of arrest the officer shall
855 inform the defendant of the offense charged and of the fact
856 that a warrant has been issued.

857 (7) When the officer has probable cause to believe that
858 a felony or misdemeanor has been committed by the person
859 arrested in violation of a protection order, including a
860 domestic violence protection order or an elder abuse
861 protection order, issued by a court of competent jurisdiction.

862 (8) When an offense involves a crime of domestic
863 violence, including domestic violence in the first degree~~T~~
864 pursuant to Section 13A-6-130, domestic violence in the second
865 degree~~T~~ pursuant to Section 13A-6-131, domestic violence in
866 the third degree~~T~~ pursuant to Section 13A-6-132, interference
867 with a domestic violence emergency call~~T~~ in violation of
868 Section 13A-6-137, or domestic violence by strangulation or



869 suffocation~~r~~ pursuant to Section 13A-6-138, violation of a
870 domestic violence protection order pursuant to Section
871 13A-6-142, or elder abuse as defined in Section 38-9F-3, and
872 the arrest is based on probable cause.

873 (b) When a law enforcement officer investigates an
874 allegation of domestic violence or elder abuse, whether or not
875 an arrest is made, the officer shall make a written report of
876 the alleged incident, including a statement of the complaint,
877 and the disposition of the case.

878 (c) If the defendant is arrested under this section for
879 committing an act of domestic violence, including domestic
880 violence in the first degree~~r~~ pursuant to Section 13A-6-130,
881 domestic violence in the second degree~~r~~ pursuant to Section
882 13A-6-131, domestic violence in the third degree~~r~~ pursuant to
883 Section 13A-6-132, interference with a domestic violence
884 emergency call~~r~~ in violation of Section 13A-6-137, or domestic
885 violence by strangulation or suffocation~~r~~ pursuant to Section
886 13A-6-138, in violation of a domestic violence protection
887 order, or an act of elder abuse in violation of an elder abuse
888 protection order, the defendant shall be held in custody until
889 brought before the court within 48 hours for the purpose of
890 enforcing the protection order and for consideration of bail
891 in accordance with Section 15-13-190 and the applicable rules
892 of criminal procedure, pending a hearing. If the defendant is
893 not brought before the court within 48 hours, the defendant
894 shall be subject to bail according to the Alabama Rules of
895 Criminal Procedure.

896 (d) (1) A person arrested under this section shall be



897 subject to a temporary holding period pursuant to the terms of
898 this subsection.

899 (2) Any bond, appearance bond, secured appearance bond,
900 or personal recognizance order shall not be enforced or
901 executed, and the defendant shall not be released on bail or
902 otherwise, until the passage of 24 hours has occurred from the
903 time of arrest.

904 (3) Upon the expiration of the temporary holding
905 period, the requirements of Section 15-10-3 or Section
906 15-13-190 shall apply, as applicable.

907 (4) The purpose of this section is to provide the
908 alleged victim with time to seek safety from the defendant and
909 to provide the court time to issue a protection from abuse
910 order, as provided under Section 13A-6-140 et seq., with
911 particularized conditions of release to protect the safety of
912 the alleged victim and the community.

913 (e) If the court grants bond, the conditions of the
914 bond shall do all of the following:

915 (1) Enjoin the defendant from committing or threatening
916 to commit acts of domestic violence against the alleged
917 victim.

918 (2) Restrain and enjoin the defendant from contacting
919 the victim. For purposes of this subdivision, "contacting"
920 includes, but is not limited to, communicating with the victim
921 verbally or in any written form, either in person, by
922 telephone, electronically, or by any other manner, either
923 directly or indirectly through a third person.

924 (3) Prohibit the defendant from possessing a firearm or



925 other weapon specified by the court, except when the weapon is
926 necessary for employment as a law enforcement officer or
927 military personnel.

928 (4) Issue any other order or modification of orders to
929 protect the safety of the alleged victim or to ensure the
930 appearance of the defendant in court."

931 "§15-13-190

932 (a) A person arrested for domestic violence in the
933 first degree~~r~~ pursuant to Section 13A-6-130, domestic violence
934 in the second degree~~r~~ pursuant to Section 13A-6-131, domestic
935 violence in the third degree~~r~~ pursuant to Section 13A-6-132,
936 interference with a domestic violence emergency call~~r~~ in
937 violation of Section 13A-6-137, or domestic violence by
938 strangulation or suffocation~~r~~ pursuant to Section 13A-6-138,
939 or a violation of a domestic violence protection order, may
940 not be admitted to bail until after an appearance before a
941 judge or magistrate within 24 hours of the arrest, and if the
942 person is not taken before a judge or magistrate within 24
943 hours of the arrest, he or she shall be afforded an
944 opportunity to make bail in accordance with the Alabama Rules
945 of Criminal Procedure.

946 (b) The judge or magistrate ~~may~~shall impose conditions
947 of release or bail on the person to protect the alleged victim
948 of domestic violence or the person protected by a protection
949 order~~r~~ and to ensure the appearance of the person at a
950 subsequent court proceeding. The conditions may include, but
951 need not be limited to, the following:

952 (1) Enjoining the person from threatening to commit or



953 committing acts of domestic violence against the alleged
954 victim.

955 (2) a. Restraining and enjoining the defendant from
956 contacting the victim.

957 b. For the purposes of this subsection, "contacting"
958 includes, but is not limited to, communicating with the victim
959 verbally or in any written form, either in person,
960 ~~telephonically~~by telephone, electronically, or in any other
961 manner, either directly or indirectly through a third person.

962 (3) Prohibiting the person from possessing a firearm or
963 other weapon specified by the court, except when such weapon
964 is necessary for employment as a ~~peace~~law enforcement officer
965 or military personnel.

966 (4) Issuing any other order or modification of orders
967 required in this section to protect the safety of the alleged
968 victim or to ensure the appearance of the person in court.

969 (c) If conditions of release are imposed, the judge or
970 magistrate shall issue a written order for conditional
971 release, immediately distribute a copy of the order to the law
972 enforcement agency having custody of the arrested or charged
973 person, place information pertaining to the order in the
974 domestic violence protection order registry and Law
975 Enforcement Tactical System, and provide the law enforcement
976 agency with any available information concerning the location
977 of the alleged victim in a manner that protects the safety of
978 the victim. ~~Law~~A law enforcement officer shall provide a copy
979 of the written order to the victim within 24 hours of receipt,
980 provided that the victim provides the investigating law



981 enforcement agency with current and accurate contact
982 information.

983 (d) In cases in which the defendant has been placed on
984 conditional release or bail pursuant to this section or is in
985 violation of probation from another case and is arrested on a
986 probation violation warrant, a violation of written condition
987 of release pursuant to this section, or a violation of a prior
988 protection order, the court shall consider revocation of
989 probation, conditional release, or bail. Should the court
990 order ~~continue~~continued probation, conditional release, or
991 bail, the court shall order additional conditions imposed on
992 the defendant to provide protection to the victim of domestic
993 violence or the person protected by a protection order.

994 Additional conditions shall be included in a written order.

995 (e) A person who willfully violates a condition of
996 pretrial release provided in this section, when the original
997 arrest was for an act of domestic violence, shall be subject
998 to the penalties provided in Section 13A-6-142~~r~~ and shall
999 receive an enhanced penalty and additional sentence of
1000 imprisonment in accordance with Section 13A-6-142.

1001 (f) (1) A person arrested under this section shall be
1002 subject to a temporary holding period pursuant to the terms of
1003 this subsection.

1004 (2) Any bond, appearance bond, secured appearance bond,
1005 or personal recognizance order shall not be enforced or
1006 executed, and the defendant shall not be released on bail or
1007 otherwise, until the passage of 24 hours has occurred from the
1008 time of arrest.



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1009 (3) Upon the expiration of the temporary holding
1010 period, the requirements of Section 15-10-3 or this section
1011 shall apply, as applicable.

1012 (4) The purpose of this section is to provide the
1013 alleged victim with time to seek safety from the defendant and
1014 to provide the court time to issue a protection from abuse
1015 order, as provided under Section 13A-6-140 et seq., with
1016 particularized conditions of release to protect the safety of
1017 the alleged victim and the community.

1018 (g) If the court grants bond, the conditions of the
1019 bond shall do all of the following:

1020 (1) Enjoin the defendant from committing or threatening
1021 to commit acts of domestic violence against the alleged
1022 victim.

1023 (2) Restrain and enjoin the defendant from contacting
1024 the victim. For purposes of this subdivision, "contacting"
1025 includes, but is not limited to, communicating with the victim
1026 verbally or in any written form, either in person, by
1027 telephone, electronically, or by any other manner, either
1028 directly or indirectly through a third person.

1029 (3) Prohibit the defendant from possessing a firearm or
1030 other weapon specified by the court, except when the weapon is
1031 necessary for employment as a law enforcement officer or
1032 military personnel.

1033 (4) Issue any other order or modification of orders to
1034 protect the safety of the alleged victim or to ensure the
1035 appearance of the defendant in court."

1036 Section 4. Section 12-25-32, Code of Alabama 1975, is



1037 amended to read as follows:

1038 "§12-25-32

1039 For the purposes of this article, the following terms
1040 have the following meanings:

1041 (1) COMMISSION. The Alabama Sentencing Commission,
1042 established as a state agency under the Supreme Court of
1043 Alabama by this chapter.

1044 (2) CONTINUUM OF PUNISHMENTS. An array of punishment
1045 options, from probation to incarceration, graduated in
1046 restrictiveness according to the degree of supervision of the
1047 offender, including, but not limited to, all of the following:

1048 a. Active Incarceration. A sentence, other than an
1049 intermediate punishment or unsupervised probation, that
1050 requires an offender to serve a sentence of imprisonment. The
1051 term includes time served in a work release program operated
1052 as a custody option by the Alabama Department of Corrections
1053 or in the Supervised Intensive Restitution program of the
1054 Department of Corrections pursuant to Article 7, ~~commencing~~
1055 ~~with Section 15-18-110,~~ of Chapter 18 of Title 15.

1056 b. Intermediate Punishment. A sentence that may include
1057 assignment to any community based punishment program or may
1058 include probation with conditions or probation in conjunction
1059 with a period of confinement. Intermediate punishments
1060 include, but are not limited to, all of the following options:

1061 1. A split sentence pursuant to Section 15-18-8.
1062 2. Assignment to a community punishment and corrections
1063 program pursuant to the Alabama Community Punishment and
1064 Corrections Act or local acts.



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1065 3. Assignment to a community based manual labor work
1066 program pursuant ~~to Sections 14-5-30 to 14-5-37,~~
1067 inclusive Article 2 of Chapter 5 of Title 14.
1068 4. Intensive probation supervision pursuant to Section
1069 15-22-56.
1070 5. Cognitive and behavioral training.
1071 6. Community service work.
1072 7. County probation.
1073 8. Day fines or means-based fines.
1074 9. Day reporting.
1075 10. Drug or alcohol testing.
1076 11. Drug court programs.
1077 12. Educational programs.
1078 13. Electronic monitoring.
1079 14. Home confinement or house arrest.
1080 15. Ignition interlock.
1081 16. Intermittent confinement.
1082 17. Jail and prison diversion programs.
1083 18. Job readiness and work.
1084 19. Literacy and basic learning.
1085 20. Pretrial diversion programs.
1086 21. Residential drug treatment.
1087 22. Residential community based punishment programs in
1088 which the offender is required to spend at least eight hours
1089 per day, or overnight, within a facility and is required to
1090 participate in activities such as counseling, treatment,
1091 social skills training, or employment training, conducted at
1092 the residential facility or at another specified location.

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1093 23. Restorative justice as established in Section
1094 12-17-226.6.
1095 (i) Victim impact panels.
1096 (ii) Voluntary victim offender conferencing.
1097 (iii) Voluntary victim offender mediation.
1098 24. Self-help groups.
1099 25. Sobriety or breath alcohol remote monitoring.
1100 26. Substance abuse education and treatment.
1101 27. Treatment alternatives to street crime (TASC).
1102 28. Voice recognition, curfew restriction, or
1103 employment monitoring.
1104 29. Work release, other than those work release
1105 programs operated by the Alabama Department of Corrections, as
1106 a custody option.
1107 c. Unsupervised Probation. A sentence in a criminal
1108 case that includes a period of probation but does not include
1109 supervision, active incarceration, or an intermediate
1110 punishment.
1111 d. Post-release Supervision. A mandatory period of
1112 supervision following sentences of active incarceration as
1113 defined in paragraph a. that may include one or more
1114 intermediate punishment options.
1115 (3) COURT. Unless otherwise stated, a district or
1116 circuit court exercising jurisdiction to sentence felony
1117 offenders.
1118 (4) EVIDENCE-BASED PRACTICES. Policies, procedures,
1119 programs, and practices proven by widely accepted and
1120 published research to reliably produce reductions in



1121 recidivism.

1122 (5) FELONY OFFENSE. A noncapital felony offense.

1123 (6) INITIAL VOLUNTARY STANDARDS. The voluntary
1124 sentencing standards effective on October 1, 2006. These
1125 standards were based on statewide historic sentences imposed
1126 with normative adjustments designed to reflect current
1127 sentencing policies.

1128 (7) NONVIOLENT OFFENSE. All offenses which are not
1129 violent offenses.

1130 (8) NONVIOLENT OFFENDER. Any offender who does not
1131 qualify as a violent offender pursuant to subdivision (14).

1132 (9) OFFENDER. A person convicted of a noncapital felony
1133 offense.

1134 (10) RELEASE AUTHORITY. Any public official, agency, or
1135 other entity authorized by law to release a sentenced offender
1136 from incarceration or other conditions of a sentence.

1137 (11) VALIDATED RISK AND NEEDS ASSESSMENT. An actuarial
1138 tool that has been validated and established by administrative
1139 rule in Alabama to determine the likelihood of an offender
1140 engaging in future criminal behavior. The Board of Pardons and
1141 Paroles and the Department of Corrections shall adopt
1142 compatible tools to conduct a validated risk and needs
1143 assessment upon offenders within the jurisdiction of the
1144 state. A validated risk and needs assessment shall include,
1145 but not be limited to, an offender's prior criminal history,
1146 the nature and severity of the present offense, and potential
1147 for future violence.

1148 (12) TRUTH-IN-SENTENCING STANDARDS. Truth in sentencing

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1149 is scheduled to become effective October 1, 2020.

1150 (13) UNDER SUPERVISION. ~~All offenders under~~Under the
1151 supervision of any criminal justice agency or program
1152 including, but not limited to, any of the following entities:

- 1153 a. The Alabama Department of Corrections.
- 1154 b. State or county probation offices.
- 1155 c. Community corrections programs pursuant to Alabama
1156 Community Corrections Act.
- 1157 d. Jails.
- 1158 e. State or local law enforcement agencies.
- 1159 f. Any court.

1160 (14) VIOLENT OFFENDER. ~~A violent offender is an~~An
1161 offender who has been convicted of a violent offense, or who
1162 is determined by the trial court judge or a release authority
1163 to have demonstrated a propensity for violence, aggression, or
1164 weapons related behavior based on the criminal history or
1165 behavior of the offender while under supervision of any
1166 criminal justice system agency or entity.

1167 (15) VIOLENT OFFENSE.

1168 a. For the purposes of this article, a violent offense
1169 includes each of the following offenses, or any substantially
1170 similar offense to those listed in this subdivision created
1171 after June 20, 2003:

- 1172 1. Capital murder pursuant to Sections 13A-6-2 and
1173 13A-5-40.
- 1174 2. Murder pursuant to Section 13A-6-2.
- 1175 3. Manslaughter pursuant to Section 13A-6-3.
- 1176 4. Criminally negligent homicide pursuant to Section

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1177 13A-6-4.

1178 5. Assault I pursuant to Section 13A-6-20.

1179 6. Assault II pursuant to Section 13A-6-21.

1180 7. Compelling street gang membership pursuant to

1181 Section 13A-6-26.

1182 8. Kidnapping I pursuant to Section 13A-6-43.

1183 9. Kidnapping II pursuant to Section 13A-6-44.

1184 10. Rape I pursuant to Section 13A-6-61.

1185 11. Rape II pursuant to Section 13A-6-62.

1186 12. Sodomy I pursuant to Section 13A-6-63.

1187 13. Sodomy II pursuant to Section 13A-6-64.

1188 14. Sexual torture pursuant to Section 13A-6-65.1.

1189 15. Sexual abuse I pursuant to Section 13A-6-66.

1190 16. Enticing a child to enter a vehicle for immoral

1191 purposes pursuant to Section 13A-6-69.

1192 17. Stalking pursuant to Section 13A-6-90.

1193 18. Aggravated stalking pursuant to Section 13A-6-91.

1194 19. Soliciting a child by computer pursuant to Section

1195 13A-6-110.

1196 20. Domestic violence I pursuant to Section 13A-6-130.

1197 21. Domestic violence II pursuant to Section 13A-6-131.

1198 22. Burglary I pursuant to Section 13A-7-5.

1199 23. Burglary II pursuant to Section 13A-7-6.

1200 24. Burglary III pursuant to ~~subdivision (1) or~~

1201 ~~subdivision (2) of subsection (a) of~~ Section 13A-7-7.

1202 25. Arson I pursuant to Section 13A-7-41.

1203 26. Criminal possession of explosives pursuant to

1204 Section 13A-7-44.

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1205 27. Extortion I pursuant to Section 13A-8-14.

1206 28. Robbery I pursuant to Section 13A-8-41.

1207 29. Robbery II pursuant to Section 13A-8-42.

1208 30. Robbery III pursuant to Section 13A-8-43.

1209 31. Pharmacy robbery pursuant to Section 13A-8-51.

1210 32. Terrorist threats pursuant to Section 13A-10-15.

1211 33. Escape I pursuant to Section 13A-10-31.

1212 34. Promoting prison contraband I pursuant to Section
1213 13A-10-36, involving a deadly weapon or dangerous instrument.

1214 35. Intimidating a witness pursuant to Section
1215 13A-10-123.

1216 36. Intimidating a juror pursuant to Section
1217 13A-10-127.

1218 37. Treason pursuant to Section 13A-11-2.

1219 38. Discharging a weapon into an occupied building,
1220 dwelling, automobile, etc., pursuant to Section 13A-11-61.

1221 39. Promoting prostitution I pursuant to Section
1222 13A-12-111.

1223 40. Production of obscene matter involving a minor
1224 pursuant to Section 13A-12-197.

1225 41. Trafficking pursuant to Section 13A-12-231.

1226 42. Child abuse pursuant to Section 26-15-3.

1227 43. Elder abuse pursuant to Section 38-9-7.

1228 44. Terrorism pursuant to Section 13A-10-152.

1229 45. Hindering prosecution for terrorism pursuant to
1230 Section 13A-10-154.

1231 46. Domestic violence III pursuant to ~~subsection (d) of~~
1232 Section 13A-6-132 (b) (3) or (4).



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1233 47. Domestic violence by strangulation or suffocation
1234 pursuant to Section 13A-6-138.

1235 48. Human trafficking I pursuant to Section 13A-6-152.

1236 49. Human trafficking II pursuant to Section 13A-6-153.

1237 50. Hindering prosecution in the first degree pursuant
1238 to Section 13A-10-43.

1239 51. Any substantially similar offense for which an
1240 Alabama offender has been convicted under prior Alabama law or
1241 the law of any other state, the District of Columbia, the
1242 United States, or any of the territories of the United States.

1243 b. The basis for defining these offenses as violent is
1244 that each offense meets at least one of the following
1245 criteria:

1246 1. Has as an element, the use, attempted use, or
1247 threatened use of a deadly weapon or dangerous instrument or
1248 physical force against the person of another.

1249 2. Involves a substantial risk of physical injury
1250 against the person of another.

1251 3. Is a nonconsensual sex offense.

1252 4. Is particularly reprehensible.

1253 c. Any attempt, conspiracy, or solicitation to commit a
1254 violent offense shall be considered a violent offense for the
1255 purposes of this article.

1256 d. Any criminal offense which meets the criteria
1257 provided in paragraph b. enacted after 2003."

1258 Section 5. Section 13A-11-72, as last amended by Act
1259 2025-273, 2025 Regular Session, Code of Alabama 1975, is
1260 amended to read as follows:



1261 "§13A-11-72

1262 (a) (1) A person may not own a firearm or have a firearm
1263 in his or her possession or under his or her control if any of
1264 the following apply:

1265 a. The person has been convicted in this state or
1266 elsewhere of any kind of felony offense within the previous
1267 five years.

1268 b. The person has been convicted in this state or
1269 elsewhere of three or more felony offenses of any kind at any
1270 time~~r~~^{ti}, provided the felony offense convictions used to support
1271 a charge under this paragraph each arose from a different
1272 indictment or complaint or otherwise arose on a different date
1273 of charge.

1274 c. The person has been convicted in this state or
1275 elsewhere of committing or attempting to commit a crime of
1276 violence as defined in Section 13A-11-70~~ri~~^{ti}, misdemeanor offense
1277 of domestic violence as defined in subsection (h)~~ri~~^{ti} or a
1278 violent offense as defined in Section 12-25-32.

1279 d. The person is subject to a valid protection order
1280 for domestic abuse.

1281 e. The person is of unsound mind.

1282 (2) A violation of this subsection is a Class C felony.

1283 (3) It shall be an affirmative defense to a prosecution
1284 under this subsection that the defendant has received a pardon
1285 pursuant to Section 15-22-36 which expressly restores the
1286 defendant's right to possess a firearm as to each conviction
1287 supporting the prosecution.

1288 (b) (1) No person who is a minor, except under the



1289 circumstances provided in this section, an habitual drunkard,
1290 or who has a drug addiction shall own a pistol or have one in
1291 his or her possession or under his or her control.

1292 (2) A violation of this subsection is a Class A
1293 misdemeanor.

1294 (c) (1) No person who is an alien and is illegally or
1295 unlawfully in the United States or has been admitted to the
1296 United States under a nonimmigrant visa as defined in 8 U.S.C.
1297 § 1101(a)(26), provided no exception to this subsection as
1298 listed in 18 U.S.C. § 922(y)(2) applies, shall own a pistol or
1299 other firearm or have one in his or her possession or under
1300 his or her control.

1301 (2) A violation of this subsection is a Class C felony.

1302 (d) (1) Subject to the exceptions provided by Section
1303 13A-11-74, no person shall knowingly with intent to do bodily
1304 harm carry or possess a deadly weapon on the premises of a
1305 school.

1306 (2) A violation of this subsection is a Class C felony.

1307 (e) School security personnel and school resource
1308 officers qualified under Section 16-1-44.1(a), employed by a
1309 local board of education, and authorized by the employing
1310 local board of education to carry a deadly weapon while on
1311 duty are exempt from subsection (d). Law enforcement officers
1312 are exempt from this section, and persons with permits issued
1313 pursuant to Section 13A-11-75~~T~~ are exempt from subsection (d).

1314 (f) A person shall not be in violation of Section
1315 13A-11-57 or 13A-11-76 and a minor shall not be in violation
1316 of this section if the minor has permission to possess a



1317 pistol from a parent or legal guardian who is not prohibited
1318 from possessing a firearm under state or federal law, and any
1319 of the following are satisfied:

1320 (1) The minor is attending a hunter education course or
1321 a firearms safety course under the supervision of an adult who
1322 is not prohibited from possessing a firearm under state or
1323 federal law.

1324 (2) The minor is engaging in practice in the use of a
1325 firearm or target shooting at an established range under the
1326 supervision of an adult who is not prohibited from possessing
1327 a firearm under state or federal law.

1328 (3) The minor is engaging in an organized competition
1329 involving the use of a firearm or participating in or
1330 practicing for a performance by an organized group under 26
1331 U.S.C. § 501(c)(3) which uses firearms as part of the
1332 performance.

1333 (4) The minor is hunting or fishing pursuant to a valid
1334 license, if required, and the person has the license in his or
1335 her possession; has written permission of the owner or legal
1336 possessor of the land on which the activities are being
1337 conducted; and the pistol, when loaded, is carried only in a
1338 manner discernible by ordinary observation.

1339 (5) The minor is on real property under the control of
1340 the minor's parent, legal guardian, or grandparent.

1341 (6) The minor is a member of the armed services or
1342 National Guard and the minor is acting in the line of duty.

1343 (7) The minor is traveling by motor vehicle to any of
1344 the locations or activities listed in subdivisions (1) through



1345 (6), has written permission to possess the pistol or firearm
1346 by his or her parent or legal guardian, and the pistol or
1347 firearm is unloaded, locked in a compartment or container that
1348 is in or affixed securely to the motor vehicle, and is out of
1349 reach of the driver and any passenger in the motor vehicle.

1350 (g) This section does not apply to a minor who uses a
1351 pistol or other firearm while acting in self-defense of
1352 himself, herself, or other persons against an intruder into
1353 the residence of the minor or a residence in which the minor
1354 is an invited guest.

1355 (h) For the purposes of this section, the following
1356 terms have the following meanings:

1357 (1) CONVICTED. a. Means a person was represented by
1358 counsel in the case, or knowingly and intelligently waived the
1359 right to counsel in the case if required by law, and either
1360 the case was tried before a judge, tried by a jury, or the
1361 person knowingly and intelligently waived the right to have
1362 the case tried, by guilty plea or otherwise.

1363 b. A person is not considered to have been convicted
1364 for the purposes of this section if the person is not
1365 considered to have been convicted in the jurisdiction in which
1366 the proceedings were held or the conviction has been expunged,
1367 set aside, or is of an offense for which the person has been
1368 pardoned or has had his or her civil rights restored, unless
1369 the pardon, expungement, or restoration of civil rights
1370 expressly provides that the person may not ship, transport,
1371 possess, or receive firearms.

1372 (2) DEADLY WEAPON. A firearm or anything manifestly



1373 designed, made, or adapted for the purposes of inflicting
1374 death or serious physical injury, and the term includes, but
1375 is not limited to, a bazooka, hand grenade, missile, or
1376 explosive or incendiary device; a pistol, rifle, or shotgun;
1377 or a switch-blade knife, gravity knife, stiletto, sword, or
1378 dagger; or any club, baton, billy, black-jack, bludgeon, or
1379 metal knuckles.

1380 (3) MISDEMEANOR OFFENSE OF DOMESTIC VIOLENCE. A
1381 misdemeanor offense that has, as its elements, the use or
1382 attempted use of physical force or the threatened use of a
1383 dangerous instrument or deadly weapon, and the victim is a
1384 ~~current or former spouse, parent, step-parent, child,~~
1385 ~~step-child, grandparent, step-grandparent, grandchild,~~
1386 ~~step-grandchild, any person with whom the defendant has a~~
1387 ~~child in common, a present or former household member, or a~~
1388 ~~person who has or had a dating relationship with the defendant~~
1389 domestic violence victim, as defined under Section 1 of the
1390 act amending this section.

1391 (4) QUALIFIED INDIVIDUAL. A victim as defined in
1392 Section 30-5-2 or an individual who cohabitates or has
1393 cohabited with the person.

1394 (5) SCHOOL. A school composed of grades K-12 and shall
1395 include a school bus used for grades K-12.

1396 (6) SCHOOL RESOURCE OFFICER. An ~~A~~ law enforcement
1397 officer certified by the Alabama Peace Officers' Standards and
1398 Training Commission and ~~Commissioner certified law~~
1399 ~~enforcement officer~~ employed by a law enforcement agency who
1400 is specifically selected and specially trained for the school



1401 setting.

1402 (7) UNSOUND MIND. Includes any person who is subject to
1403 any of the findings listed below, and who has not had his or
1404 her rights to possess a firearm reinstated by operation of law
1405 or legal process:

1406 a. Found by a court, board, commission, or other lawful
1407 authority that, as a result of marked subnormal intelligence,
1408 mental illness, incompetency, condition, or disease, is a
1409 danger to himself, herself, or others or lacks the mental
1410 capacity to contract or manage his or her own affairs.

1411 b. Found to be insane, not guilty by reason of mental
1412 disease or defect, found mentally incompetent to stand trial,
1413 or found not guilty by a reason of lack of mental
1414 responsibility by a court in a criminal case, to include
1415 state, federal, and military courts.

1416 c. Involuntarily committed for a final commitment for
1417 inpatient treatment to the Department of Mental Health or a
1418 Veterans' Administration hospital by a court after a hearing.

1419 (8) VALID PROTECTION ORDER. An order issued after a
1420 hearing of which the person received actual notice, and at
1421 which the person had an opportunity to participate, that does
1422 either of the following:

1423 a. Restrains the person from harassing, stalking, or
1424 threatening a qualified individual or child of the qualified
1425 individual or person or engaging in other conduct that would
1426 place a qualified individual in reasonable fear of bodily
1427 injury to the individual or child and that includes a finding
1428 that the person represents a credible threat to the physical



1429 safety of the qualified individual or child.

1430 b. By its terms, explicitly prohibits the use,
1431 attempted use, or threatened use of physical force against the
1432 qualified individual or child that would reasonably be
1433 expected to cause bodily injury."

1434 Section 6. Section 30-5-2, Code of Alabama 1975, is
1435 amended to read as follows:

1436 "§30-5-2

1437 In this chapter, the following words shall have the
1438 following meanings unless the context clearly indicates
1439 otherwise:

1440 (1) ABUSE. An act committed against a victim, which is
1441 any of the following:

1442 a. Arson. Arson as defined under Sections 13A-7-40
1443 ~~to~~through 13A-7-43, ~~inclusive~~.

1444 b. Assault. Assault as defined under Sections 13A-6-20
1445 ~~to~~through 13A-6-22, ~~inclusive~~.

1446 c. Attempt. Attempt as defined under Section 13A-4-2.

1447 d. Child Abuse. Torture or willful abuse of a child,
1448 aggravated child abuse, or chemical endangerment of a child as
1449 provided in Chapter 15, ~~commencing with Section 26-15-1,~~ of
1450 Title 26, known as the Alabama Child Abuse Act.

1451 e. Criminal Coercion. Criminal coercion as defined
1452 under Section 13A-6-25.

1453 f. Criminal Trespass. Criminal trespass as defined
1454 under Sections 13A-7-2 ~~to~~through 13A-7-4.1, ~~inclusive~~.

1455 g. Harassment. Harassment as defined under Section
1456 13A-11-8.



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

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

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

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

1. Sexual Abuse. Any sexual offenses included in Article 4, ~~commencing with Section 13A-6-60~~, of Chapter 6 of Title 13A.

m. Stalking. Stalking as defined under Sections 13A-6-90 ~~through~~ 13A-6-94, ~~inclusive~~.

n. Theft. Theft as defined under Sections 13A-8-1
~~through 13A-8-5, inclusive.~~

o. Unlawful Imprisonment. Unlawful imprisonment as defined under Sections 13A-6-41 and 13A-6-42

(2) CHILD. The term as defined under Section 26-14-1.

(3) CHILD IN COMMON. A child born or unborn of the

parties who share: (i) physical or legal custody; or (ii) parentage, regardless of any past or present relationship.

(2)(4) COURT. A circuit court judge, a district court judge appointed as a special circuit court judge pursuant to law or a district court judge designated by a written standing order from the presiding circuit court judge to handle protection from abuse cases.

~~(3)~~ (5) DATING RELATIONSHIP. A relationship or former



1485 relationship of a romantic or intimate nature characterized by
1486 the expectation of affectionate or sexual involvement by
1487 either party.

1488 a. A dating relationship includes the period of
1489 engagement to be married.

1490 b. A dating relationship does not include a casual or
1491 business relationship or a relationship that ended more than
1492 12 months prior to the filing of the petition for a protection
1493 order.

1494 (6) DOMESTIC VIOLENCE VICTIM or VICTIM. As defined in
1495 Section 1 of the act amending this section.

1496 (7) GUARDIAN. The term as defined in Section 1 of the
1497 act amending this section.

1498 (8) HOUSEHOLD MEMBER. The term as defined in Section 1
1499 of the act amending this section.

1500 (4) (9) PLAINTIFF. An individual who has standing to
1501 file a petition under Section 30-5-5.

1502 (5) (10) PROTECTION ORDER. Any order of protection from
1503 abuse issued under this chapter for the purpose of preventing
1504 acts of abuse as defined in this chapter.

1505 (6) (11) THREAT. Any word or action, expressed or
1506 implied, made to cause the plaintiff to fear for his or her
1507 safety or for the safety of another person.

1508 (12) WARD. A person who is under the substantial care
1509 and physical, legal, or financial control of a guardian.

1510 (7) VICTIM. An individual who is related in any of the
1511 following ways to the person who commits an act of abuse:

1512 a. Has a current or former marriage, including common



1513 ~~law marriage, with the defendant.~~

1514 ~~b. Has a child in common with the defendant regardless~~
1515 ~~of whether the victim and defendant have ever been married and~~
1516 ~~regardless of whether they are currently residing or have in~~
1517 ~~the past resided together in the same household.~~

1518 ~~c. Has or had a dating relationship with the defendant.~~

1519 ~~A dating relationship does not include a casual or business~~
1520 ~~relationship or a relationship that ended more than 12 months~~
1521 ~~prior to the filing of the petition for a protection order.~~

1522 ~~d. Is a current or former household member. For~~
1523 ~~purposes of this chapter, a "household member" excludes~~
1524 ~~non-romantic or non-intimate co-residents.~~

1525 ~~e. A relative of a current or former household member~~
1526 ~~as defined in paragraph d. who also lived with the defendant.~~

1527 ~~f. An individual who is a parent, stepparent, child, or~~
1528 ~~stepchild.~~

1529 ~~g. An individual who is a grandparent,~~
1530 ~~step-grandparent, grandchild, or step-grandchild."~~

1531 Section 7. Sections 13A-6-92, 13A-6-95, and 13A-6-96,
1532 Code of Alabama 1975, are amended to read as follows:

1533 "§13A-6-92

1534 As used in this article, the following terms have the
1535 following meanings:

1536 (1) COURSE OF CONDUCT. A pattern of conduct composed of
1537 a series of acts over a period of time which evidences a
1538 continuity of purpose.

1539 (2) CREDIBLE THREAT. A threat, expressed or implied,
1540 made with the intent and the apparent ability to carry out the



1541 threat so as to cause the person who is the target of the
1542 threat to fear for his or her safety or the safety of a family
1543 member and to cause reasonable mental anxiety, anguish, or
1544 fear.

1545 (3) ELECTRONIC TRACKING DEVICE. An electronic or
1546 mechanical device that permits the tracking of the movement of
1547 a person or object or the monitoring information of a person
1548 or object.

1549 (4) HARASSES. Engages in an intentional course of
1550 conduct directed at a specified person which alarms or annoys
1551 that person, or interferes with the freedom of movement of
1552 that person, and which serves no legitimate purpose. The
1553 course of conduct must be such as would cause a reasonable
1554 person to suffer substantial emotional distress, and must
1555 actually cause substantial emotional distress.
1556 Constitutionally protected conduct is not included within the
1557 definition of this term.

1558 (5) OWNER. An individual, other than the defendant, who
1559 has possession of or any other interest in the property
1560 involved and without whose consent the defendant has no
1561 authority to exert control over the property."

1562 "§13A-6-95

1563 (a) A person who, without the consent of the owner or
1564 except as otherwise authorized by law, places, whether
1565 directly, indirectly, or through a third party by any action,
1566 method, device, or means, any electronic tracking device on
1567 the property of another person with the intent to surveil,
1568 stalk, ~~or~~ harass, annoy, or alarm another person without a



1569 legitimate purpose or for any other unlawful purpose, is
1570 guilty of the crime of electronic stalking in the first
1571 degree.

1572 (b) (1) Except as otherwise provided in subdivision (2),
1573 a violation of this section is a Class C felony.

1574 (2) A person who violates this section and whose
1575 conduct violates an existing domestic violence protection
1576 order, elder abuse protection order, temporary restraining
1577 order, or any other court order, shall be guilty of a Class B
1578 felony.

1579 (c) In any criminal proceeding brought pursuant to this
1580 section, the crime shall be considered to have been committed
1581 in all of the following:

1582 (1) The county in which any part of the crime took
1583 place.

1584 (2) The county where the electronic tracking device was
1585 discovered.

1586 (3) The county of residence of the owner of the
1587 property.

1588 (d) The statute of limitations shall begin at the time
1589 of the discovery of the electronic tracking device.

1590 "§13A-6-96

1591 (a) A person who, without the consent of the owner or
1592 except as otherwise authorized by law, places, whether
1593 directly, indirectly, or through a third party by any action,
1594 method, device, or means, any electronic tracking device on
1595 the property of another person is guilty of the crime of
1596 electronic stalking in the second degree.



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1597 (b) A violation of this section is a Class A
1598 misdemeanor.

1599 (c) In any criminal proceeding brought pursuant to this
1600 section, the crime shall be considered to have been committed
1601 in all of the following:

1602 (1) The county in which any part of the crime took
1603 place.

1604 (2) The county where the electronic tracking device was
1605 discovered.

1606 (3) The county of residence of the owner of the
1607 property.

1608 (d) The statute of limitations shall begin at the time
1609 of the discovery of the electronic tracking device.

1610 Section 8. This act shall become effective on October
1611 1, 2026.