

## HB389 INTRODUCED



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



## 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 definitions for purposes of the domestic violence law; to amend Sections 13A-6-130, 13A-6-131, 13A-6-132, 13A-6-135, 13A-6-136, 13A-6-137, 13A-6-138, 13A-6-139, 13A-6-139.2, 13A-6-141, 13A-6-142, and 13A-6-143, Code of Alabama 1975, to further provide for the crimes of domestic violence in various degrees to include the minor children of a party who has a dating relationship with the defendant; to establish a temporary holding period and bond requirements for violations; to establish mandatory minimum periods of incarceration for certain violations; to include additional factors for determining predominant domestic violence aggressor; to establish mandatory language to be used in the notice distributed to domestic violence victims; to prohibit the



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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

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

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



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parentage, regardless of any past or present relationship.

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

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

- a. A current or former spouse.
- b. A parent or step-parent.
- c. A child or step-child.
- d. A grandparent or step-grandparent.
- e. A grandchild or step-grandchild.
- f. A person with whom the defendant has a child in common.
- g. A present household member.
- h. A child of a present household member who also lives or visits the household of the defendant.
- i. A person who has or had a dating relationship with the defendant.
- j. A ward of a guardian if the guardian is any of the individuals described in this subdivision.

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

(7) HOUSEHOLD MEMBER. An individual who is temporarily



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

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

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

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

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

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

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



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

"§13A-6-130

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

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

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





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

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

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

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

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

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



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

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

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

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

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

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

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

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



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appearance of the defendant in court."

"§13A-6-131

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

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

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

(c) The minimum term of imprisonment imposed under



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

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

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

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

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

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



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time of arrest.

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

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

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

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

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

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

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



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

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

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

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

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

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



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reduction in time if either of the following apply:

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

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

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

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

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

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

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

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

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





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

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

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

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

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

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

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

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



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appearance of the defendant in court."

"§13A-6-133

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

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

"§13A-6-134

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

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



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

(1) Prior complaints of domestic violence.

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

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

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

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

(6) History of violating court orders.

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

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

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

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

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



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

(3) The type or nature of the relationship of the individuals involved in the incident.

(4) The absence of visible indications of injury or physical harm or emotional trauma.

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

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

### "Section I

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



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For more information contact the Alabama Crime Victims Compensation Commission.

### Section II

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

### Section III

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

To be informed about your case.

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

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

To remain away from the defendant during court sessions.



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

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

### Section IV

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

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

### Section V

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

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

Create a safety plan and ensure it is not available to



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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



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

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

"§13A-6-138

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

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

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

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





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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

(3) Prohibit the defendant from possessing a firearm or



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

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

"§13A-6-139

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

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

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

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

"§13A-6-139.2

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



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

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

"§13A-6-141

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

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

The term includes all of the following:

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

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

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



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

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

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

"§13A-6-142

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

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

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



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domestic violence protection order to be distributed to the Domestic Violence Trust Fund, established by Section 30-6-11."

"§13A-6-143

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

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

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

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

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

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



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

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

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

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

"§15-10-3

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

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

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

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



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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<sup>7</sup>  
864 pursuant to Section 13A-6-130, domestic violence in the second  
865 degree<sup>7</sup> pursuant to Section 13A-6-131, domestic violence in  
866 the third degree<sup>7</sup> pursuant to Section 13A-6-132, interference  
867 with a domestic violence emergency call<sup>7</sup> in violation of  
868 Section 13A-6-137, or domestic violence by strangulation or





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suffocation<sup>7</sup> pursuant to Section 13A-6-138, violation of a domestic violence protection order pursuant to Section 13A-6-142, or elder abuse as defined in Section 38-9F-3, and the arrest is based on probable cause.

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

(c) If the defendant is arrested under this section for committing an act of domestic violence, including domestic violence in the first degree<sup>7</sup> pursuant to Section 13A-6-130, domestic violence in the second degree<sup>7</sup> pursuant to Section 13A-6-131, domestic violence in the third degree<sup>7</sup> pursuant to Section 13A-6-132, interference with a domestic violence emergency call<sup>7</sup> in violation of Section 13A-6-137, or domestic violence by strangulation or suffocation<sup>7</sup> pursuant to Section 13A-6-138, in violation of a domestic violence protection order, or an act of elder abuse in violation of an elder abuse protection order, the defendant shall be held in custody until brought before the court within 48 hours for the purpose of enforcing the protection order and for consideration of bail in accordance with Section 15-13-190 and the applicable rules of criminal procedure, pending a hearing. If the defendant is not brought before the court within 48 hours, the defendant shall be subject to bail according to the Alabama Rules of Criminal Procedure.

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



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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



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

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

"§15-13-190

(a) A person arrested for domestic violence in the first degree~~7~~ pursuant to Section 13A-6-130, domestic violence in the second degree~~7~~ pursuant to Section 13A-6-131, domestic violence in the third degree~~7~~ pursuant to Section 13A-6-132, interference with a domestic violence emergency call~~7~~ in violation of Section 13A-6-137, or domestic violence by strangulation or suffocation~~7~~ pursuant to Section 13A-6-138, or a violation of a domestic violence protection order, may not be admitted to bail until after an appearance before a judge or magistrate within 24 hours of the arrest, and if the person is not taken before a judge or magistrate within 24 hours of the arrest, he or she shall be afforded an opportunity to make bail in accordance with the Alabama Rules of Criminal Procedure.

(b) The judge or magistrate ~~may~~shall impose conditions of release or bail on the person to protect the alleged victim of domestic violence or the person protected by a protection order~~7~~ and to ensure the appearance of the person at a subsequent court proceeding. The conditions may include, but need not be limited to, the following:

(1) Enjoining the person from threatening to commit or



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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



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enforcement agency with current and accurate contact information.

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

Additional conditions shall be included in a written order.

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

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

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



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

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

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

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

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

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

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

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



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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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3. Assignment to a community based manual labor work program pursuant ~~to Sections 14-5-30 to 14-5-37,~~ ~~inclusive~~ Article 2 of Chapter 5 of Title 14.

4. Intensive probation supervision pursuant to Section 15-22-56.

5. Cognitive and behavioral training.

6. Community service work.

7. County probation.

8. Day fines or means-based fines.

9. Day reporting.

10. Drug or alcohol testing.

11. Drug court programs.

12. Educational programs.

13. Electronic monitoring.

14. Home confinement or house arrest.

15. Ignition interlock.

16. Intermittent confinement.

17. Jail and prison diversion programs.

18. Job readiness and work.

19. Literacy and basic learning.

20. Pretrial diversion programs.

21. Residential drug treatment.

22. Residential community based punishment programs in which the offender is required to spend at least eight hours per day, or overnight, within a facility and is required to participate in activities such as counseling, treatment, social skills training, or employment training, conducted at 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



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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:



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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<sup>+</sup><sub>L</sub> 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<sup>+</sup><sub>i</sub> misdemeanor offense  
1277 of domestic violence as defined in subsection (h)<sup>+</sup><sub>i</sub> 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



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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~~7~~ 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





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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



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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



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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



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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



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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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1457 h. Kidnapping. Kidnapping as defined under Sections  
1458 13A-6-43 and 13A-6-44.

1459 i. Menacing. Menacing as defined under Section  
1460 13A-6-23.

1461 j. Other Conduct. Any other conduct directed toward a  
1462 plaintiff covered by this chapter that could be punished as a  
1463 criminal act under the laws of this state.

1464 k. Reckless Endangerment. Reckless endangerment as  
1465 defined under Section 13A-6-24.

1466 l. Sexual Abuse. Any sexual offenses included in  
1467 Article 4, ~~commencing with Section 13A-6-60,~~ of Chapter 6 of  
1468 Title 13A.

1469 m. Stalking. Stalking as defined under Sections  
1470 13A-6-90 ~~to~~through 13A-6-94, ~~inclusive~~.

1471 n. Theft. Theft as defined under Sections 13A-8-1  
1472 ~~to~~through 13A-8-5, ~~inclusive~~.

1473 o. Unlawful Imprisonment. Unlawful imprisonment as  
1474 defined under Sections 13A-6-41 and 13A-6-42.

1475 (2) CHILD. The term as defined under Section 26-14-1.

1476 (3) CHILD IN COMMON. A child born or unborn of the  
1477 parties who share: (i) physical or legal custody; or (ii)  
1478 parentage, regardless of any past or present relationship.

1479 ~~(2)~~ (4) COURT. A circuit court judge, a district court  
1480 judge appointed as a special circuit court judge pursuant to  
1481 law or a district court judge designated by a written standing  
1482 order from the presiding circuit court judge to handle  
1483 protection from abuse cases.

1484 ~~(3)~~ (5) DATING RELATIONSHIP. A relationship or former



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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~~



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~~law marriage, with the defendant.~~

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

~~c. Has or had a dating relationship with the defendant. A dating relationship does not include a casual or business relationship or a relationship that ended more than 12 months prior to the filing of the petition for a protection order.~~

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

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

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

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

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

"§13A-6-92

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

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

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





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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



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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.