

1 HB204  
2 182203-1  
3 By Representative Coleman  
4 RFD: Judiciary  
5 First Read: 14-FEB-17

2  
3  
4  
5  
6  
7  
8 SYNOPSIS: Under existing law, assault in the third  
9 degree is a Class A misdemeanor.

10 This bill would make assault in the third  
11 degree a Class D felony if the assault is committed  
12 by a person 21 years of age or older against a  
13 person who is less than 18 years of age and at the  
14 time of the assault is located on school property,  
15 including on a school bus or at a school-sponsored  
16 event or function.

17 Amendment 621 of the Constitution of Alabama  
18 of 1901, now appearing as Section 111.05 of the  
19 Official Recompilation of the Constitution of  
20 Alabama of 1901, as amended, prohibits a general  
21 law whose purpose or effect would be to require a  
22 new or increased expenditure of local funds from  
23 becoming effective with regard to a local  
24 governmental entity without enactment by a 2/3 vote  
25 unless: it comes within one of a number of  
26 specified exceptions; it is approved by the  
27 affected entity; or the Legislature appropriates

1 funds, or provides a local source of revenue, to  
2 the entity for the purpose.

3 The purpose or effect of this bill would be  
4 to require a new or increased expenditure of local  
5 funds within the meaning of the amendment. However,  
6 the bill does not require approval of a local  
7 governmental entity or enactment by a 2/3 vote to  
8 become effective because it comes within one of the  
9 specified exceptions contained in the amendment.

10  
11 A BILL  
12 TO BE ENTITLED  
13 AN ACT  
14

15 To amend Section 13A-6-22 of the Code of Alabama  
16 1975, relating to assault in the third degree; to further  
17 provide for assault in the third degree if the assault is  
18 committed by a person 21 years of age or older against a  
19 person who is less than 18 years of age on school property; to  
20 provide penalties; and in connection therewith would have as  
21 its purpose or effect the requirement of a new or increased  
22 expenditure of local funds within the meaning of Amendment 621  
23 of the Constitution of Alabama of 1901, now appearing as  
24 Section 111.05 of the Official ReCompilation of the  
25 Constitution of Alabama of 1901, as amended.  
26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1           Section 1. Section 13A-6-22 of the Code of Alabama  
2 1975, is amended to read as follows:

3           "§13A-6-22.

4           "(a) A person commits the crime of assault in the  
5 third degree if:

6           "(1) With intent to cause physical injury to another  
7 person, he causes physical injury to any person; or

8           "(2) He recklessly causes physical injury to another  
9 person; or

10           "(3) With criminal negligence he causes physical  
11 injury to another person by means of a deadly weapon or a  
12 dangerous instrument; or

13           "(4) With intent to prevent a peace officer from  
14 performing a lawful duty, he causes physical injury to any  
15 person.

16           "(b) ~~Assault~~ Except as provided in subsection (c),  
17 assault in the third degree is a Class A misdemeanor.

18           "(c) Assault in the third degree is a Class D felony  
19 if the assault is committed by a person 21 years of age or  
20 older against a person who is less than 18 years of age who is  
21 present on school property, including on a school bus, or at a  
22 school-sponsored event or function at the time of the  
23 assault."

24           Section 2. Although this bill would have as its  
25 purpose or effect the requirement of a new or increased  
26 expenditure of local funds, the bill is excluded from further  
27 requirements and application under Amendment 621, now

1 appearing as Section 111.05 of the Official ReCompilation of  
2 the Constitution of Alabama of 1901, as amended, because the  
3 bill defines a new crime or amends the definition of an  
4 existing crime.

5 Section 3. This act shall become effective on the  
6 first day of the third month following its passage and  
7 approval by the Governor, or its otherwise becoming law.