

1 HB378
2 151105-3
3 By Representative Coleman-Evans
4 RFD: Judiciary
5 First Read: 28-FEB-13

1 "(1) With intent to cause serious physical injury to
2 another person, he or she causes serious physical injury to
3 any person.

4 "(2) With intent to cause physical injury to another
5 person, he or she causes physical injury to any person by
6 means of a deadly weapon or a dangerous instrument.

7 "(3) He or she recklessly causes serious physical
8 injury to another person by means of a deadly weapon or a
9 dangerous instrument.

10 "(4) With intent to prevent a peace officer, as
11 defined in Section 36-21-60, a detention or correctional
12 officer at any municipal or county jail or state penitentiary,
13 emergency medical personnel, a utility worker, or a
14 firefighter from performing a lawful duty, he or she intends
15 to cause physical injury and he or she causes physical injury
16 to any person. For the purpose of this subdivision, a person
17 who is a peace officer who is employed or under contract while
18 off duty by a private or public entity is a peace officer
19 performing a lawful duty when the person is working in his or
20 her approved uniform while off duty with the approval of his
21 or her employing law enforcement agency. Provided, however,
22 that nothing contained herein shall be deemed or construed as
23 amending, modifying, or extending the classification of a
24 peace officer as off-duty for workers compensation purposes or
25 any other benefits to which a peace officer may otherwise be
26 entitled to under law when considered on-duty. Additionally,
27 nothing contained herein shall be deemed or construed as

1 amending, modifying, or extending the tort liability of any
2 municipality as a result of any action or inaction on the part
3 of an off-duty police officer.

4 "(5) With intent to cause physical injury to a
5 teacher or to an employee of a public educational institution
6 during or as a result of the performance of his or her duty,
7 he or she causes physical injury to any person.

8 "(6) With intent to cause physical injury to a
9 health care worker, including a nurse, physician, technician,
10 or any other person employed by or practicing at a hospital as
11 defined in Section 22-21-20; a county or district health
12 department; a long-term care facility; or a physician's
13 office, clinic, or outpatient treatment facility during the
14 course of or as a result of the performance of the duties of
15 the health care worker or other person employed by or
16 practicing at the hospital; the county or district health
17 department; any health care facility owned or operated by the
18 State of Alabama; the long-term care facility; or the
19 physician's office, clinic, or outpatient treatment facility;
20 he or she causes physical injury to any person. This
21 subdivision shall not apply to assaults by patients who are
22 impaired by medication or to assaults on home health care
23 workers while they are in private residences.

24 "(7) For a purpose other than lawful medical or
25 therapeutic treatment, he or she intentionally causes stupor,
26 unconsciousness, or other physical or mental impairment or
27 injury to another person by administering to him or her,

1 without his or her consent, a drug, substance or preparation
2 capable of producing the intended harm.

3 "(8) With intent to cause physical injury to a
4 person who is less than 18 years of age on school property,
5 including on a school bus or at a school-sponsored function, a
6 person 21 years of age or older causes physical injury to any
7 person.

8 "(b) Assault in the second degree is a Class C
9 felony.

10 "(c) For the purposes of this section, utility
11 worker means any person who is employed by an entity that
12 owns, operates, leases, or controls any plant, property, or
13 facility for the generation, transmission, manufacture,
14 production, supply, distribution, sale, storage, conveyance,
15 delivery, or furnishing to or for the public of electricity,
16 natural or manufactured gas, water, steam, sewage, or
17 telephone service, including two or more utilities rendering
18 joint service."

19 Section 2. Although this bill would have as its
20 purpose or effect the requirement of a new or increased
21 expenditure of local funds, the bill is excluded from further
22 requirements and application under Amendment 621, now
23 appearing as Section 111.05 of the Official Recompilation of
24 the Constitution of Alabama of 1901, as amended, because the
25 bill defines a new crime or amends the definition of an
26 existing crime.

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

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Judiciary 28-FEB-13

Read for the second time and placed
on the calendar with 1 substitute
and..... 10-APR-13

Read for the third time and passed
as amended..... 24-APR-13

Yeas 93, Nays 2, Abstains 1

Jeff Woodard
Clerk