

1 HB312
2 198399-1
3 By Representatives Chestnut, Hollis, Lawrence, Daniels,
4 Coleman, Drummond, Ledbetter and Blackshear
5 RFD: Judiciary
6 First Read: 02-APR-19

2
3
4
5
6
7
8 SYNOPSIS: Under existing law, a person commits the
9 crime of assault in the second degree if the
10 person, with intent to cause physical injury to a
11 teacher, employee of a public educational
12 institution, or health care worker during or as a
13 result of the performance of his or her duties,
14 causes physical injury to any person.

15 This bill would provide that a person
16 commits the crime of assault in the second degree
17 if the person, with intent to cause physical injury
18 to a journalist, during or as a result of the
19 performance of the journalist's duties, causes
20 physical injury to any person.

21 Amendment 621 of the Constitution of Alabama
22 1901 prohibits a general law whose purpose or
23 effect would be to require a new or increased
24 expenditure of local funds from becoming effective
25 with regard to a local governmental entity without
26 enactment by a 2/3 vote unless: it comes within one
27 of a number of specified exceptions; it is approved

1 by the affected entity; or the Legislature
2 appropriates funds, or provides a local source of
3 revenue, to the entity for the purpose.

4 The purpose or effect of this general law
5 would be to require a new or increased expenditure
6 of local funds within the meaning of Amendment 621.
7 If this bill is not enacted by a 2/3 vote, it will
8 not become effective with regard to a local entity
9 unless approved by the local entity or until, and
10 only as long as, the Legislature appropriates funds
11 or provides for a local source of revenue.

12
13 A BILL
14 TO BE ENTITLED
15 AN ACT
16

17 Relating to the crime of assault; to amend Section
18 13A-6-21, Code of Alabama 1975, to provide that a person
19 commits the crime of assault in the second degree if the
20 person, with intent to cause physical injury to a journalist,
21 during or as a result of the performance of the journalist's
22 duties, causes physical injury to any person; and in
23 connection therewith would have as its purpose or effect the
24 requirement of a new or increased expenditure of local funds.
25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

26 Section 1. Section 13A-6-21, Code of Alabama 1975,
27 is amended to read as follows:

1 "§13A-6-21.

2 "(a) A person commits the crime of assault in the
3 second degree if the person does any of the following:

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

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

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

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

1 any other benefits to which a peace officer may otherwise be
2 entitled to under law when considered on-duty. Additionally,
3 nothing contained herein shall be deemed or construed as
4 amending, modifying, or extending the tort liability of any
5 municipality as a result of any action or inaction on the part
6 of an off-duty police officer.

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

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

1 "(7) For a purpose other than lawful medical or
2 therapeutic treatment, he or she intentionally causes stupor,
3 unconsciousness, or other physical or mental impairment or
4 injury to another person by administering to him or her,
5 without his or her consent, a drug, substance or preparation
6 capable of producing the intended harm.

7 "(8) With intent to cause physical injury to a
8 journalist during or as a result of the performance of the
9 journalist's duties, he or she causes physical injury to any
10 person.

11 "(b) Assault in the second degree is a Class C
12 felony.

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

22 "(d) For the purposes of this section, journalist
23 means any person who is an employee, independent contractor,
24 or agent of an entity or service that disseminates news or
25 information by means of a newspaper, nonfiction book, wire
26 service, news agency, news website, mobile application or
27 other news or information service, whether distributed

1 digitally or otherwise, news program, magazine, or other
2 periodical, whether in print, electronic, or other format, or
3 through television broadcast, radio broadcast, multichannel
4 video programming distributor, as the term is defined in
5 Section 602(13) of the Communications Act of 1934, Title 47
6 United States Code Section 522, or motion picture for public
7 showing, and engages in newsgathering with the primary intent
8 to investigate events or procure material in order to
9 disseminate to the public news or information concerning
10 local, national, or international events or other matters of
11 public interest."

12 Section 2. Although this bill would have as its
13 purpose or effect the requirement of a new or increased
14 expenditure of local funds, the bill is excluded from further
15 requirements and application under Amendment 621, now
16 appearing as Section 111.05 of the Official Recompilation of
17 the Constitution of Alabama of 1901, as amended, because the
18 bill defines a new crime or amends the definition of an
19 existing crime.

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