

HB75 ENROLLED



1 HB75
2 KNY7A5A-2
3 By Representative Ensler
4 RFD: Judiciary
5 First Read: 06-Feb-24
6 PFD: 01-Feb-24



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1 Enrolled, An Act,

2
3 Relating to crimes and offenses; to amend Section

4 13A-6-21, Code of Alabama 1975, to add letter carriers to the
5 employees listed in the assault in the second degree statute;
6 and in connection therewith would have as its purpose or
7 effect the requirement of a new or increased expenditure of
8 local funds within the meaning of Section 111.05 of the
9 Constitution of Alabama of 2022.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

13 "§13A-6-21

14 (a) A person commits the crime of assault in the second
15 degree if the person does any of the following:

16 (1) With intent to cause serious physical injury to
17 another person, he or she causes serious physical injury to
18 any person.

19 (2) With intent to cause physical injury to another
20 person, he or she causes physical injury to any person by
21 means of a deadly weapon or a dangerous instrument.

22 (3) He or she recklessly causes serious physical injury
23 to another person by means of a deadly weapon or a dangerous
24 instrument.

25 (4)a. With intent to prevent a peace officer, as
26 defined in Section 36-21-60, a detention or correctional
27 officer at any municipal or county jail or state penitentiary,
28 emergency medical personnel, a utility worker, or a



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29 firefighter from performing a lawful duty, he or she intends
30 to cause physical injury and he or she causes physical injury
31 to any person.

32 b. For the purpose of this subdivision, a person who is
33 a peace officer who is employed or under contract while off
34 duty by a private or public entity is a peace officer
35 performing a lawful duty when the person is working in his or
36 her approved uniform while off duty with the approval of his
37 or her employing law enforcement agency. Provided, however,
38 that nothing contained in this subdivision shall be deemed or
39 construed as amending, modifying, or extending the
40 classification of a peace officer as off-duty for workers
41 compensation purposes or any other benefits to which a peace
42 officer may otherwise be entitled to under law when considered
43 on-duty. Additionally, nothing contained in this subdivision
44 shall be deemed or construed as amending, modifying, or
45 extending the tort liability of any municipality as a result
46 of any action or inaction on the part of an off-duty police
47 officer.

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

52 (6) With intent to cause physical injury to a health
53 care worker, including a nurse, physician, technician, or any
54 other person employed by or practicing at a hospital as
55 defined in Section 22-21-20; a county or district health
56 department; a long-term care facility; a physician's office,



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57 clinic, or outpatient treatment facility during the course of
58 or as a result of the performance of the duties of the health
59 care worker or other person employed by or practicing at the
60 hospital; the county or district health department; any health
61 care facility owned or operated by the State of Alabama; the
62 long-term care facility; the physician's office, clinic, or
63 outpatient treatment facility; or a pharmacist, pharmacy
64 technician, pharmacy intern, pharmacy extern, or pharmacy
65 cashier; he or she causes physical injury to any person. This
66 subdivision shall apply to assaults on home health care
67 workers while they are in a private residence. This
68 subdivision shall not apply to assaults by patients who are
69 impaired by medication.

70 (7) For a purpose other than lawful medical or
71 therapeutic treatment, he or she intentionally causes stupor,
72 unconsciousness, or other physical or mental impairment or
73 injury to another person by administering to him or her,
74 without his or her consent, a drug, substance or preparation
75 capable of producing the intended harm.

76 (8) With intent to cause physical injury to a
77 Department of Human Resources employee or any employee
78 performing social work, as defined in Section 34-30-1, during
79 or as a result of the performance of his or her duty, he or
80 she causes physical injury to any person.

81 (9) With intent to cause physical injury to a letter
82 carrier, as defined in Section 32-6-380, during or as a result
83 of the performance of his or her duty, he or she causes
84 physical injury to any person.



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85 (b) Assault in the second degree is a Class C felony.

86 (c) For the purposes of this section, "utility worker"
87 means any person who is employed by an entity that owns,
88 operates, leases, or controls any plant, property, or facility
89 for the generation, transmission, manufacture, production,
90 supply, distribution, sale, storage, conveyance, delivery, or
91 furnishing to or for the public of electricity, natural or
92 manufactured gas, water, steam, sewage, or telephone service,
93 including two or more utilities rendering joint service."

94 Section 2. Although this bill would have as its purpose
95 or effect the requirement of a new or increased expenditure of
96 local funds, the bill is excluded from further requirements
97 and application under Section 111.05 of the Constitution of
98 Alabama of 2022, because the bill defines a new crime or
99 amends the definition of an existing crime.

100 Section 3. This act shall become effective on October
101 1, 2024.

