

1 HB811
2 121028-1
3 By Representatives Coleman, Newton (D), Treadaway, Scott,
4 Collier, Ward and Boothe
5 RFD: Judiciary
6 First Read: 01-APR-10

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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 C 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 on school
14 property, including on a school bus or at a
15 school-sponsored function.

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

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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 C 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 on
21 school property, including on a school bus or at a
22 school-sponsored function."

23 Section 2. Although this bill would have as its
24 purpose or effect the requirement of a new or increased
25 expenditure of local funds, the bill is excluded from further
26 requirements and application under Amendment 621, now
27 appearing as Section 111.05 of the Official Recompilation of

1 the Constitution of Alabama of 1901, as amended, because the
2 bill defines a new crime or amends the definition of an
3 existing crime.

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