

1 HB59
2 188571-3
3 By Representatives Harbison, Standridge, Pettus, Shedd, Fridy,
4 Faulkner, South, Mooney, Lovvorn, Rich, Fincher, Butler,
5 Nordgren, Garrett, Brown, Crawford, Greer, Williams (JW),
6 Wilcox, Sanderford, Ingram, McCutcheon and Hurst
7 RFD: Judiciary
8 First Read: 09-JAN-18
9 PFD: 01/04/2018

1 relationship, as defined in Section 13A-6-139.1, with the
2 defendant. Domestic violence in the first degree is a Class A
3 felony, except that the defendant shall serve a minimum term
4 of imprisonment of one year without consideration of
5 probation, parole, good time credits, or any other reduction
6 in time for any second or subsequent conviction under this
7 subsection.

8 "(b) The minimum term of imprisonment imposed under
9 subsection (a) shall be double without consideration of
10 probation, parole, good time credits, or any reduction in time
11 if a defendant willfully violates a protection order issued by
12 a court of competent jurisdiction and in the process of
13 violating the order commits domestic violence in the first
14 degree.

15 "(c) The minimum term of imprisonment imposed under
16 subsection (a) shall be double without consideration of
17 probation, parole, good time credits, or any reduction in time
18 if the offense was committed with knowledge of in the
19 presence of a child under the age of 14 years at the time of
20 the offense, if the victim was the parent or legal guardian of
21 the child. For purposes of this subsection, "in the presence
22 of a child" means in the physical presence of a child or
23 having knowledge that a child is present and may see or hear
24 the act.

25 "§13A-6-131.

26 "(a) A person commits the crime of domestic violence
27 in the second degree if the person commits the crime of

1 assault in the second degree pursuant to Section 13A-6-21; the
2 crime of intimidating a witness pursuant to Section
3 13A-10-123; the crime of stalking pursuant to Section
4 13A-6-90; the crime of burglary in the second or third degree
5 pursuant to Sections 13A-7-6 and 13A-7-7; or the crime of
6 criminal mischief in the first degree pursuant to Section
7 13A-7-21 and the victim is a current or former spouse, parent,
8 child, any person with whom the defendant has a child in
9 common, a present or former household member, or a person who
10 has or had a dating relationship, as defined in Section
11 13A-6-139.1, with the defendant. Domestic violence in the
12 second degree is a Class B felony, except the defendant shall
13 serve a minimum term of imprisonment of six months without
14 consideration of probation, parole, good time credits, or any
15 reduction in time for any second or subsequent conviction
16 under this subsection.

17 "(b) The minimum term of imprisonment imposed under
18 subsection (a) shall be double without consideration of
19 probation, parole, good time credits, or any reduction in time
20 if a defendant willfully violates a protection order issued by
21 a court of competent jurisdiction and in the process of
22 violating the order commits domestic violence in the second
23 degree.

24 "(c) The minimum term of imprisonment imposed under
25 subsection (a) shall be double without consideration of
26 probation, parole, good time credits, or any reduction in time
27 if the offense was committed with knowledge of in the presence

1 of a child under the age of 14 years at the time of the
2 offense, if the victim was the parent or legal guardian of the
3 child. For purposes of this subsection, "in the presence of a
4 child" means in the physical presence of a child or having
5 knowledge that a child is present and may see or hear the
6 act."

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

15 Section 3. This act shall become effective on the
16 first day of the third month following its passage and
17 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 09-JAN-18

Read for the second time and placed
on the calendar 1 amendment 18-JAN-18

Read for the third time and passed
as amended..... 01-FEB-18

Yeas 79, Nays 5, Abstains 1

Jeff Woodard
Clerk