

1 HB403
2 209556-3
3 By Representative Morris
4 RFD: Judiciary
5 First Read: 23-FEB-22

1 ENGROSSED

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4 A BILL
5 TO BE ENTITLED
6 AN ACT

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8 Relating to physical injury; to amend Section
9 13A-1-2, Code of Alabama 1975; to expand the definition of
10 serious physical injury.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12 Section 1. Section 13A-1-2, Code of Alabama 1975, is
13 amended to read as follows:

14 "§13A-1-2.

15 "Unless different meanings are expressly specified
16 in subsequent provisions of this title, the following terms
17 shall have the following meanings:

18 "(1) BOOBY TRAP. Any concealed or camouflaged device
19 designed to cause bodily injury when triggered by any action
20 of a person making contact with the device. This term includes
21 guns, ammunition, or explosive devices attached to trip wires
22 or other triggering mechanisms, sharpened stakes, nails,
23 spikes, electrical devices, lines or wires with hooks
24 attached, and devices for the production of toxic fumes or
25 gases.

26 "(2) BURDEN OF INJECTING THE ISSUE. The term means
27 that the defendant must offer some competent evidence relating

1 to all matters subject to the burden, except that the
2 defendant may rely upon evidence presented by the prosecution
3 in meeting the burden.

4 "(3) CLANDESTINE LABORATORY OPERATION. Any of the
5 following:

6 "a. Purchase or procurement of chemicals, supplies,
7 equipment, or laboratory location for the unlawful manufacture
8 of controlled substances.

9 "b. Transportation or arranging for the
10 transportation of chemicals, supplies, or equipment for the
11 unlawful manufacture of controlled substances.

12 "c. Setting up of equipment or supplies in
13 preparation for the unlawful manufacture of controlled
14 substances.

15 "d. Distribution or disposal of chemicals,
16 equipment, supplies, or products used in or produced by the
17 unlawful manufacture of controlled substances.

18 "(4) CRIME. A misdemeanor or a felony.

19 "(5) DANGEROUS INSTRUMENT. Any instrument, article,
20 or substance which, under the circumstances in which it is
21 used, attempted to be used, or threatened to be used, is
22 highly capable of causing death or serious physical injury.
23 The term includes a "vehicle," as that term is defined in
24 subdivision (15).

25 "(6) DEADLY PHYSICAL FORCE. Physical force which,
26 under the circumstances in which it is used, is readily
27 capable of causing death or serious physical injury.

1 "(7) DEADLY WEAPON. A firearm or anything manifestly
2 designed, made, or adapted for the purposes of inflicting
3 death or serious physical injury. The term includes, but is
4 not limited to, a pistol, rifle, or shotgun; or a switch-blade
5 knife, gravity knife, stiletto, sword, or dagger; or any
6 billy, black-jack, bludgeon, or metal knuckles.

7 "(8) FELONY. An offense for which a sentence to a
8 term of imprisonment in excess of one year is authorized by
9 this title.

10 "(9) MISDEMEANOR. An offense for which a sentence to
11 a term of imprisonment not in excess of one year may be
12 imposed.

13 "(10) OFFENSE. Conduct for which a sentence to a
14 term of imprisonment, or the death penalty, or to a fine is
15 provided by any law of this state or by any law, local law, or
16 ordinance of a political subdivision of this state.

17 "(11) PERSON. A human being, and where appropriate,
18 a public or private corporation, an unincorporated
19 association, a partnership, a government, or a governmental
20 instrumentality.

21 "(12) PHYSICAL INJURY. Impairment of physical
22 condition or substantial pain.

23 "(13) POSSESS. To have physical possession or
24 otherwise to exercise dominion or control over tangible
25 property.

26 "(14) SERIOUS PHYSICAL INJURY. Physical injury which
27 creates a substantial risk of death, or which causes serious

1 and protracted disfigurement, protracted impairment of health,
2 ~~or~~ protracted loss or impairment of the function of any bodily
3 organ, or a penetrating gunshot wound inflicted by a firearm
4 as defined in Section 13A-8-1.

5 "(15) VEHICLE. Any "propelled vehicle," as defined
6 in subdivision (9) of Section 13A-8-1. The term includes any
7 propelled device by which any person or property is
8 transported on land, water, or in the air, and includes motor
9 vehicles, motorcycles, motorboats, and aircraft, and any
10 vessel, whether propelled by machinery or not.

11 "(16) VIOLATION. An offense for which a sentence to
12 a term of imprisonment not in excess of 30 days may be
13 imposed."

14 Section 2. This act shall become effective on the
15 first day of the third month following its passage and
16 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 23-FEB-22

Read for the second time and placed
on the calendar..... 09-MAR-22

Read for the third time and passed
as amended..... 29-MAR-22

Yeas 100, Nays 0, Abstains 1

Jeff Woodard
Clerk