

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

SYNOPSIS: Existing law defines serious physical injury as injury which creates a substantial risk of death, or which causes serious and protracted disfigurement, protracted impairment of health, or protracted loss or impairment of the function of any bodily organ.

This bill would also include any type of gunshot wound in the definition of physical injury.

A BILL
TO BE ENTITLED
AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§13A-1-2.

1 "Unless different meanings are expressly specified
2 in subsequent provisions of this title, the following terms
3 shall have the following meanings:

4 "(1) BOOBY TRAP. Any concealed or camouflaged device
5 designed to cause bodily injury when triggered by any action
6 of a person making contact with the device. This term includes
7 guns, ammunition, or explosive devices attached to trip wires
8 or other triggering mechanisms, sharpened stakes, nails,
9 spikes, electrical devices, lines or wires with hooks
10 attached, and devices for the production of toxic fumes or
11 gases.

12 "(2) BURDEN OF INJECTING THE ISSUE. The term means
13 that the defendant must offer some competent evidence relating
14 to all matters subject to the burden, except that the
15 defendant may rely upon evidence presented by the prosecution
16 in meeting the burden.

17 "(3) CLANDESTINE LABORATORY OPERATION. Any of the
18 following:

19 "a. Purchase or procurement of chemicals, supplies,
20 equipment, or laboratory location for the unlawful manufacture
21 of controlled substances.

22 "b. Transportation or arranging for the
23 transportation of chemicals, supplies, or equipment for the
24 unlawful manufacture of controlled substances.

25 "c. Setting up of equipment or supplies in
26 preparation for the unlawful manufacture of controlled
27 substances.

1 "d. Distribution or disposal of chemicals,
2 equipment, supplies, or products used in or produced by the
3 unlawful manufacture of controlled substances.

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

5 "(5) DANGEROUS INSTRUMENT. Any instrument, article,
6 or substance which, under the circumstances in which it is
7 used, attempted to be used, or threatened to be used, is
8 highly capable of causing death or serious physical injury.
9 The term includes a "vehicle," as that term is defined in
10 subdivision (15).

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

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

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

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

26 "(10) OFFENSE. Conduct for which a sentence to a
27 term of imprisonment, or the death penalty, or to a fine is

1 provided by any law of this state or by any law, local law, or
2 ordinance of a political subdivision of this state.

3 "(11) PERSON. A human being, and where appropriate,
4 a public or private corporation, an unincorporated
5 association, a partnership, a government, or a governmental
6 instrumentality.

7 "(12) PHYSICAL INJURY. Impairment of physical
8 condition or substantial pain.

9 "(13) POSSESS. To have physical possession or
10 otherwise to exercise dominion or control over tangible
11 property.

12 "(14) SERIOUS PHYSICAL INJURY. Physical injury which
13 creates a substantial risk of death, or which causes serious
14 and protracted disfigurement, protracted impairment of health,
15 ~~or~~ protracted loss or impairment of the function of any bodily
16 organ, or a penetrating gunshot wound.

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

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

1 Section 2. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.