

1 HB144
2 208964-1
3 By Representative Hill
4 RFD: Judiciary
5 First Read: 02-FEB-21
6 PFD: 01/26/2021

SYNOPSIS: Under existing law a circuit judge or a district judge may hear a protection from abuse case.

This bill would provide that a juvenile court would have jurisdiction over a protection from abuse case when the defendant is a juvenile.

A BILL
TO BE ENTITLED
AN ACT

Relating to juvenile courts; to amend Section 12-15-114 and Section 30-5-2, as last amended by Act 2019-252, 2019 Regular Session, Code of Alabama 1975, to provide that juvenile courts would have jurisdiction over protection from abuse cases when the defendant is a juvenile.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 12-15-114 and Section 30-5-2, as last amended by Act 2019-252, 2019 Regular Session, Code of Alabama 1975, are amended to read as follows:

1 "§12-15-114.

2 "(a) A juvenile court shall exercise exclusive
3 original jurisdiction of juvenile court proceedings in which a
4 child is alleged to have committed a delinquent act, to be
5 dependent, ~~or~~ to be in need of supervision, or is a defendant
6 in a protection from abuse case. A dependency action shall not
7 include a custody dispute between parents. Juvenile cases
8 before the juvenile court shall be initiated through the
9 juvenile court intake office pursuant to this chapter.

10 "(b) A juvenile court shall not have jurisdiction
11 over any delinquent act committed by an individual before his
12 or her 18th birthday for which a petition has not been filed
13 before the individual reaches 21 years of age, except when the
14 delinquent act is an offense having no statute of limitation
15 as provided in Section 15-3-5.

16 "(c) A juvenile court shall also exercise exclusive
17 original jurisdiction over each of the following:

18 "(1) Proceedings pursuant to the Interstate Compact
19 on Juveniles and the Interstate Compact on Placement of
20 Children pursuant to Chapter 2 of Title 44.

21 "(2) Proceedings for termination of parental rights.

22 "§30-5-2.

23 "In this chapter, the following words shall have the
24 following meanings unless the context clearly indicates
25 otherwise:

26 "(1) ABUSE. An act committed against a victim, which
27 is any of the following:

1 "a. Arson. Arson as defined under Sections 13A-7-40
2 to 13A-7-43, inclusive.

3 "b. Assault. Assault as defined under Sections
4 13A-6-20 to 13A-6-22, inclusive.

5 "c. Attempt. Attempt as defined under Section
6 13A-4-2.

7 "d. Child Abuse. Torture or willful abuse of a
8 child, aggravated child abuse, or chemical endangerment of a
9 child as provided in Chapter 15, commencing with Section
10 26-15-1, of Title 26, known as the Alabama Child Abuse Act.

11 "e. Criminal Coercion. Criminal coercion as defined
12 under Section 13A-6-25.

13 "f. Criminal Trespass. Criminal trespass as defined
14 under Sections 13A-7-2 to 13A-7-4.1, inclusive.

15 "g. Harassment. Harassment as defined under Section
16 13A-11-8.

17 "h. Kidnapping. Kidnapping as defined under Sections
18 13A-6-43 and 13A-6-44.

19 "i. Menacing. Menacing as defined under Section
20 13A-6-23.

21 "j. Other Conduct. Any other conduct directed toward
22 a plaintiff covered by this chapter that could be punished as
23 a criminal act under the laws of this state.

24 "k. Reckless Endangerment. Reckless endangerment as
25 defined under Section 13A-6-24.

1 "l. Sexual Abuse. Any sexual offenses included in
2 Article 4, commencing with Section 13A-6-60, of Chapter 6 of
3 Title 13A.

4 "m. Stalking. Stalking as defined under Sections
5 13A-6-90 to 13A-6-94, inclusive.

6 "n. Theft. Theft as defined under Sections 13A-8-1
7 to 13A-8-5, inclusive.

8 "o. Unlawful Imprisonment. Unlawful imprisonment as
9 defined under Sections 13A-6-41 and 13A-6-42.

10 "(2) COURT. A circuit court judge, a district court
11 judge appointed as a special circuit court judge pursuant to
12 law, ~~or~~ a district court judge designated by a written
13 standing order from the presiding circuit court judge to
14 handle protection from abuse cases, or a juvenile court for
15 cases where the defendant is a child, as defined in Section
16 12-15-102.

17 "(3) DATING RELATIONSHIP. A relationship or former
18 relationship of a romantic or intimate nature characterized by
19 the expectation of affectionate or sexual involvement by
20 either party.

21 "a. A dating relationship includes the period of
22 engagement to be married.

23 "b. A dating relationship does not include a casual
24 or business relationship or a relationship that ended more
25 than 12 months prior to the filing of the petition for a
26 protection order.

1 "(4) PLAINTIFF. An individual who has standing to
2 file a petition under Section 30-5-5.

3 "(5) PROTECTION ORDER. Any order of protection from
4 abuse issued under this chapter for the purpose of preventing
5 acts of abuse as defined in this chapter.

6 "(6) THREAT. Any word or action, expressed or
7 implied, made to cause the plaintiff to fear for his or her
8 safety or for the safety of another person.

9 "(7) VICTIM. An individual who is related in any of
10 the following ways to the person who commits an act of abuse:

11 "a. Has a current or former marriage, including
12 common law marriage, with the defendant.

13 "b. Has a child in common with the defendant
14 regardless of whether the victim and defendant have ever been
15 married and regardless of whether they are currently residing
16 or have in the past resided together in the same household.

17 "c. Has or had a dating relationship with the
18 defendant. A dating relationship does not include a casual or
19 business relationship or a relationship that ended more than
20 12 months prior to the filing of the petition for a protection
21 order.

22 "d. Is a current or former household member. For
23 purposes of this chapter, a household member excludes
24 non-romantic or non-intimate co-residents.

25 "e. A relative of a current or former household
26 member as defined in paragraph d. who also lived with the
27 defendant.

1 "f. An individual who is a parent, stepparent,
2 child, or stepchild."

3 Section 2. This act shall become effective
4 immediately following its passage and approval by the
5 Governor, or its otherwise becoming law.