

1 HB13
2 146329-1
3 By Representative Mask
4 RFD: Judiciary
5 First Read: 05-FEB-13
6 PFD: 12/07/2012

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8 SYNOPSIS: Under existing law, a person commits
9 criminally negligent homicide if the person causes
10 the death of another person by criminal negligence.
11 Criminally negligent homicide is a Class C felony
12 if the homicide is caused by the driver of a motor
13 vehicle while driving under the influence of
14 alcohol or drugs in violation of Section 32-5A-191,
15 Code of Alabama 1975.

16 Also under Section 32-5A-191, a person is
17 guilty of operating a vessel and certain other
18 marine devices under the influence of alcohol or
19 drugs if the person operates the vessel or devices
20 under conditions in which the person would be
21 guilty of driving a motor vehicle under the
22 influence. Also under the Alabama Criminal Code, a
23 vehicle is generally defined in subdivision (15) of
24 Section 13A-1-2, Code of Alabama 1975, to include
25 any propelled devices including any vessel.

1 This bill would provide that a person
2 commits criminally negligent homicide if the
3 criminally negligent homicide is caused by the
4 operator of any vehicle while unlawfully driving or
5 operating the vehicle under the influence of
6 alcohol or drugs.

7 Under existing law, a person commits assault
8 in the first degree if the person causes serious
9 bodily injury to another person with a motor
10 vehicle while driving under the influence of
11 alcohol or drugs in violation of Section 32-5A-191,
12 Code of Alabama 1975.

13 This bill would provide that a person would
14 commit assault in the first degree if the person
15 causes serious physical injury to another person
16 while driving or operating any vehicle while under
17 the influence of alcohol or drugs.

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

1 specified exceptions; it is approved by the
2 affected entity; or the Legislature appropriates
3 funds, or provides a local source of revenue, to
4 the entity for the purpose.

5 The purpose or effect of this bill would be
6 to require a new or increased expenditure of local
7 funds within the meaning of the amendment. However,
8 the bill does not require approval of a local
9 governmental entity or enactment by a 2/3 vote to
10 become effective because it comes within one of the
11 specified exceptions contained in the amendment.

12
13 A BILL
14 TO BE ENTITLED
15 AN ACT
16

17 To amend Sections 13A-6-4 and 13A-6-20 of the Code
18 of Alabama 1975, relating to the offense of criminally
19 negligent homicide and assault in the first degree,
20 respectively, and providing when the offenses are committed by
21 persons unlawfully driving a motor vehicle under the influence
22 of alcohol or drugs; to provide that the offense may be
23 committed by a person while driving or operating any vehicle,
24 including a vessel, while unlawfully under the influence of
25 alcohol or drugs; and in connection therewith would have as
26 its purpose or effect the requirement of a new or increased

1 expenditure of local funds within the meaning of Amendment 621
2 of the Constitution of Alabama of 1901, now appearing as
3 Section 111.05 of the Official ReCompilation of the
4 Constitution of Alabama of 1901, as amended.

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

6 Section 1. Sections 13A-6-4 and 13A-6-20 of the Code
7 of Alabama 1975, are amended to read as follows:

8 "§13A-6-4.

9 "(a) A person commits the crime of criminally
10 negligent homicide if he or she causes the death of another
11 person by criminal negligence.

12 "(b) The jury may consider statutes and ordinances
13 regulating the actor's conduct in determining whether he is
14 culpably negligent under subsection (a) ~~of this section~~.

15 "(c) Criminally negligent homicide is a Class A
16 misdemeanor, except in cases in which ~~said~~ the criminally
17 negligent homicide is caused by the driver or operator of a
18 ~~motor~~ vehicle or vessel who is driving or operating the
19 vehicle or vessel in violation of the provisions of Section
20 32-5A-191 or Section 32-5A-191.3; in ~~such~~ these cases
21 criminally negligent homicide is a Class C felony.

22 "§13A-6-20.

23 "(a) A person commits the crime of assault in the
24 first degree if:

25 "(1) With intent to cause serious physical injury to
26 another person, he or she causes serious physical injury to

1 any person by means of a deadly weapon or a dangerous
2 instrument; or

3 "(2) With intent to disfigure another person
4 seriously and permanently, or to destroy, amputate, or disable
5 permanently a member or organ of his or her body, he or she
6 causes such an injury to any person; or

7 "(3) Under circumstances manifesting extreme
8 indifference to the value of human life, he or she recklessly
9 engages in conduct which creates a grave risk of death to
10 another person, and thereby causes serious physical injury to
11 any person; or

12 "(4) In the course of and in furtherance of the
13 commission or attempted commission of arson in the first
14 degree, burglary in the first or second degree, escape in the
15 first degree, kidnapping in the first degree, rape in the
16 first degree, robbery in any degree, sodomy in the first
17 degree, or any other felony clearly dangerous to human life,
18 or of immediate flight therefrom, he or she causes a serious
19 physical injury to another person; or

20 "(5) While driving under the influence of alcohol or
21 a controlled substance or any combination thereof in violation
22 of Section 32-5A-191 or Section 32-5A-191.3, he or she causes
23 serious ~~bodily~~ physical injury to the person of another with a
24 motor vehicle or vessel.

25 "(b) Assault in the first degree is a Class B
26 felony."

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

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