

1 SB20
2 145352-1
3 By Senator Taylor
4 RFD: Judiciary
5 First Read: 05-FEB-13
6 PFD: 10/03/2012

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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-191.3, Code of
17 Alabama 1975, a person is guilty of operating a
18 vessel and certain other marine devices under the
19 influence of alcohol or drugs if the person
20 operates the vessel or devices under conditions in
21 which the person would be guilty of driving a motor
22 vehicle under the influence. Also, under the
23 Alabama Criminal Code, a "vehicle" is generally
24 defined in subdivision (15) of Section 13A-1-2,
25 Code of Alabama 1975, to include any propelled
26 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 This bill would provide that a person would
13 commit assault in the first degree if the person
14 causes serious physical injury to another person
15 while driving or operating any vehicle while under
16 the influence of alcohol or drugs.

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18 A BILL
19 TO BE ENTITLED
20 AN ACT

21
22 To amend Sections 13A-6-4 and 13A-6-20 of the Code
23 of Alabama 1975, relating to the offense of criminally
24 negligent homicide and assault in the first degree,
25 respectively, and providing when the offenses are committed by
26 persons unlawfully driving a motor vehicle under the influence

1 of alcohol or drugs; to provide that the offense may be
2 committed by a person while driving or operating any vehicle
3 while unlawfully under the influence of alcohol or drugs.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

7 "§13A-6-4.

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

11 "(b) The jury may consider statutes and ordinances
12 regulating the actor's conduct in determining whether ~~he~~ the
13 actor is culpably negligent under subsection (a) ~~of this~~
14 ~~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 who is driving or operating the vehicle in
19 violation of ~~the provisions of~~ Section 32-5A-191 or
20 32-5A-191.3; in ~~such~~ these cases, criminally negligent
21 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~~ the body of another
6 person, he or she 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, or
18 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 32-5A-191.3, he or she causes serious
23 ~~bodily~~ physical injury to the person of another with a ~~motor~~
24 vehicle.

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

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.