

1 SB472  
2 155295-1  
3 By Senator Taylor  
4 RFD: Judiciary  
5 First Read: 18-MAR-14

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8 SYNOPSIS: Under existing law, a person commits the  
9 crime of criminally negligent homicide if he or she  
10 causes the death of another person by criminal  
11 negligence.

12 This bill would provide that a person  
13 commits the crime of criminally negligent homicide  
14 if the person causes the death of another person as  
15 a result of operating a motor vehicle, an aircraft,  
16 or a watercraft while fatigued. Criminally  
17 negligent homicide under these circumstances would  
18 be punishable as a Class C felony.

19 Amendment 621 of the Constitution of Alabama  
20 of 1901, now appearing as Section 111.05 of the  
21 Official Recompilation of the Constitution of  
22 Alabama of 1901, as amended, prohibits a general  
23 law whose purpose or effect would be to require a  
24 new or increased expenditure of local funds from  
25 becoming effective with regard to a local  
26 governmental entity without enactment by a 2/3 vote  
27 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 Section 13A-6-4, Code of Alabama 1975,  
18 relating to criminally negligent homicide; to provide that a  
19 person commits the crime of criminally negligent homicide if  
20 the person causes the death of another person as a result of  
21 operating a motor vehicle, an aircraft, or a watercraft while  
22 fatigued; to provide penalties; and in connection therewith  
23 would have as its purpose or effect the requirement of a new  
24 or increased expenditure of local funds within the meaning of  
25 Amendment 621 of the Constitution of Alabama of 1901, now  
26 appearing as Section 111.05 of the Official Recompilation of  
27 the Constitution of Alabama of 1901, as amended.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. Section 13A-6-4, Code of Alabama 1975, is  
3 amended to read as follows:

4 "§13A-6-4.

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

8 "(b) A person commits the crime of criminally  
9 negligent homicide if he or she causes the death of another  
10 person as a result of operating a vehicle, an aircraft, or a  
11 watercraft while fatigued. As used in this subsection  
12 "fatigued" means having been without sleep for a period of 24  
13 consecutive hours.

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

18 "~~(c)~~ (d) Criminally negligent homicide is a Class A  
19 misdemeanor, except in cases in which ~~said~~ criminally  
20 negligent homicide is caused by the driver of a motor vehicle  
21 who is driving in violation of the provisions of Section  
22 32-5A-191 or by a driver who is driving in violation of  
23 subsection (b); in such cases criminally negligent homicide is  
24 a Class C felony."

25 Section 2. Although this bill would have as its  
26 purpose or effect the requirement of a new or increased  
27 expenditure of local funds, the bill is excluded from further

1 requirements and application under Amendment 621, now  
2 appearing as Section 111.05 of the Official ReCompilation of  
3 the Constitution of Alabama of 1901, as amended, because the  
4 bill defines a new crime or amends the definition of an  
5 existing crime.

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