

1 SB26  
2 170955-1  
3 By Senator Dial  
4 RFD: Finance and Taxation General Fund  
5 First Read: 03-AUG-15

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8 SYNOPSIS: Under existing law, the definition of  
9 criminal homicide would not apply to a legal  
10 abortion or otherwise make an abortion legal.

11 This bill would further provide for the  
12 definition of the word person for the purpose of  
13 criminal homicide or assault to remove the  
14 provision that a person may not be prosecuted for  
15 conduct relating to an abortion for which the  
16 consent of the pregnant woman or a person  
17 authorized by law to act on her behalf has been  
18 obtained or for which consent is implied by law or  
19 any woman with respect to her unborn child and that  
20 it is not a crime to perform or obtain an abortion  
21 that is otherwise legal, and to provide that  
22 nothing in this act shall be construed to make an  
23 abortion legal which is not otherwise authorized by  
24 law.

25 Amendment 621 of the Constitution of Alabama  
26 of 1901, now appearing as Section 111.05 of the  
27 Official Recompilation of the Constitution of

1 Alabama of 1901, as amended, prohibits a general  
2 law whose purpose or effect would be to require a  
3 new or increased expenditure of local funds from  
4 becoming effective with regard to a local  
5 governmental entity without enactment by a 2/3 vote  
6 unless: it comes within one of a number of  
7 specified exceptions; it is approved by the  
8 affected entity; or the Legislature appropriates  
9 funds, or provides a local source of revenue, to  
10 the entity for the purpose.

11 The purpose or effect of this bill would be  
12 to require a new or increased expenditure of local  
13 funds within the meaning of the amendment. However,  
14 the bill does not require approval of a local  
15 governmental entity or enactment by a 2/3 vote to  
16 become effective because it comes within one of the  
17 specified exceptions contained in the amendment.

18  
19 A BILL

20 TO BE ENTITLED

21 AN ACT

22  
23 To amend Section 13A-6-1 of the Code of Alabama  
24 1975, relating to the definition of person for the purpose of  
25 criminal homicide or assault; to remove the provision that a  
26 person may not be prosecuted for conduct relating to an  
27 abortion for which the consent of the pregnant woman or a

1 person authorized by law to act on her behalf has been  
2 obtained or for which consent is implied by law or any woman  
3 with respect to her unborn child and that it is not a crime to  
4 perform or obtain an abortion that is otherwise legal, and to  
5 provide that nothing in this act shall be construed to make an  
6 abortion legal which is not otherwise authorized by law; and  
7 in connection therewith would have as its purpose or effect  
8 the requirement of a new or increased expenditure of local  
9 funds within the meaning of Amendment 621 of the Constitution  
10 of Alabama of 1901, now appearing as Section 111.05 of the  
11 Official Recompilation of the Constitution of Alabama of 1901,  
12 as amended.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. Section 13A-6-1 of the Code of Alabama  
15 1975, is amended to read as follows:

16 "§13A-6-1.

17 "(a) As used in Article 1 and Article 2, the  
18 following terms shall have the meanings ascribed to them by  
19 this section:

20 "(1) CRIMINAL HOMICIDE. Murder, manslaughter, or  
21 criminally negligent homicide.

22 "(2) HOMICIDE. A person commits criminal homicide if  
23 he intentionally, knowingly, recklessly or with criminal  
24 negligence causes the death of another person.

25 "(3) PERSON. The term, when referring to the victim  
26 of a criminal homicide or assault, means a human being,

1 including an unborn child in utero at any stage of  
2 development, regardless of viability.

3 "(b) Article 1 or Article 2 shall not apply to the  
4 death or injury to an unborn child alleged to be caused by  
5 medication or medical care or treatment provided to a pregnant  
6 woman when performed by a physician or other licensed health  
7 care provider.

8 "Mistake, or unintentional error on the part of a  
9 licensed physician or other licensed health care provider or  
10 his or her employee or agent or any person acting on behalf of  
11 the patient shall not subject the licensed physician or other  
12 licensed health care provider or person acting on behalf of  
13 the patient to any criminal liability under this section.

14 "Medical care or treatment includes, but is not  
15 limited to, ordering, dispensation or administration of  
16 prescribed medications and medical procedures.

17 "(c) A victim of domestic violence or sexual assault  
18 may not be charged under Article 1 or Article 2 for the injury  
19 or death of an unborn child caused by a crime of domestic  
20 violence or rape perpetrated upon her.

21 ~~"(d) Nothing in Article 1 or Article 2 shall permit~~  
22 ~~the prosecution of (1) any person for conduct relating to an~~  
23 ~~abortion for which the consent of the pregnant woman or a~~  
24 ~~person authorized by law to act on her behalf has been~~  
25 ~~obtained or for which consent is implied by law or (2) any~~  
26 ~~woman with respect to her unborn child.~~

1                   ~~"(e) Nothing in this section shall make it a crime~~  
2 ~~to perform or obtain an abortion that is otherwise legal.~~  
3 ~~Nothing in this section shall be construed to make an abortion~~  
4 ~~legal which is not otherwise authorized by law."~~

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

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