

1 SB69
2 173351-1
3 By Senator Holley
4 RFD: Judiciary
5 First Read: 07-FEB-17

2
3
4
5
6
7
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. Criminally negligent homicide is a
12 Class A misdemeanor unless the person commits the
13 offense while driving a vehicle or vessel while
14 intoxicated.

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

22 Amendment 621 of the Constitution of Alabama
23 of 1901, now appearing as Section 111.05 of the
24 Official Recompilation of the Constitution of
25 Alabama of 1901, as amended, prohibits a general
26 law whose purpose or effect would be to require a
27 new or increased expenditure of local funds from

1 becoming effective with regard to a local
2 governmental entity without enactment by a 2/3 vote
3 unless: it comes within one of a number of
4 specified exceptions; it is approved by the
5 affected entity; or the Legislature appropriates
6 funds, or provides a local source of revenue, to
7 the entity for the purpose.

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

15
16 A BILL
17 TO BE ENTITLED
18 AN ACT
19

20 To amend Section 13A-6-4, Code of Alabama 1975,
21 relating to criminally negligent homicide; to provide that a
22 person commits the crime of criminally negligent homicide if
23 the person causes the death of another person as a result of
24 operating a motor vehicle, an aircraft, or a vessel while
25 fatigued; to provide penalties; and in connection therewith
26 would have as its purpose or effect the requirement of a new
27 or increased expenditure of local funds within the meaning of

1 Amendment 621 of the Constitution of Alabama of 1901, now
2 appearing as Section 111.05 of the Official Recompilation of
3 the Constitution of Alabama of 1901, as amended.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. Section 13A-6-4, Code of Alabama 1975, is
6 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) A person commits the crime of criminally
12 negligent homicide if he or she causes the death of another
13 person as a result of operating a vehicle, an aircraft, or a
14 vessel while fatigued. As used in this subsection "fatigued"
15 means having been without sleep for a period of 24 consecutive
16 hours.

17 "~~(b)~~ (c) The jury may consider statutes and
18 ordinances regulating the actor's conduct in determining
19 whether the actor is culpably negligent under subsection (a).

20 "~~(c)~~ (d) Criminally negligent homicide is a Class A
21 misdemeanor, except in cases in which the criminally negligent
22 homicide is caused by the driver or operator of a vehicle or
23 vessel who is driving or operating the vehicle or vessel in
24 violation of Section 32-5A-191, ~~or 32-5A-191.3,~~ or by a driver
25 who is driving in violation of subsection (b); in these cases,
26 criminally negligent homicide is a Class C 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.