

1 SB82
2 176132-1
3 By Senators Pittman and Ward
4 RFD: Judiciary
5 First Read: 07-FEB-17

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8 SYNOPSIS: This bill would establish the Marshall James
9 Walton Highway Safety Act and would create the
10 crime of homicide by vehicle or vessel.

11 This bill would provide that a person is
12 guilty of homicide by vehicle or vessel if the
13 person causes the death of another person while
14 knowingly engaged in the violation of any state law
15 or municipal ordinance applying to the operation or
16 use of a vehicle, a vessel, or to the regulation of
17 traffic or boating, if the violation is the
18 proximate cause of the death.

19 This bill would provide criminal penalties.

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

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

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

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14 A BILL
15 TO BE ENTITLED
16 AN ACT

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18 Relating to homicide; to establish the Marshall
19 James Walton Highway Safety Act; to create the crime of
20 homicide by vehicle or vessel under certain conditions; to
21 provide criminal penalties; and in connection therewith to
22 have as its purpose or effect the requirement of a new or
23 increased expenditure of local funds within the meaning of
24 Amendment 621 of the Constitution of Alabama of 1901, now
25 appearing as Section 111.05 of the Official Recompilation of
26 the Constitution of Alabama of 1901, as amended.

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. This act may be cited as the Marshall
2 James Walton Highway Safety Act.

3 Section 2. (a) A person who causes the death of
4 another person while knowingly engaged in the violation of any
5 state law or municipal ordinance applying to the operation or
6 use of a vehicle, as defined in Section 32-1-1.1 of the Code
7 of Alabama 1975, or a vessel, as defined in Section 33-5-3 of
8 the Code of Alabama 1975, or to the regulation of traffic or
9 boating, shall be guilty of homicide by vehicle or vessel when
10 the violation is the proximate cause of the death.

11 (b) A person convicted of homicide by vehicle or
12 vessel under subsection (a) is guilty of a Class C felony.

13 Section 3. Although this bill would have as its
14 purpose or effect the requirement of a new or increased
15 expenditure of local funds, the bill is excluded from further
16 requirements and application under Amendment 621, now
17 appearing as Section 111.05 of the Official Recompilation of
18 the Constitution of Alabama of 1901, as amended, because the
19 bill defines a new crime or amends the definition of an
20 existing crime.

21 Section 4. This act shall become effective on the
22 first day of the third month following its passage and
23 approval by the Governor, or its otherwise becoming law.