

1 HB395
2 205672-1
3 By Representative Pringle
4 RFD: Judiciary
5 First Read: 10-FEB-21

2
3
4
5
6
7
8 SYNOPSIS: Under existing law, unlawful distribution of
9 a controlled substance is a Class B felony.

10 This bill would provide that when a person
11 sells or otherwise distributes a controlled
12 substance in violation of the law and death results
13 from the use of the controlled substance, the
14 person is guilty of manslaughter.

15 Amendment 621 of the Constitution of Alabama
16 of 1901, now appearing as Section 111.05 of the
17 Official Recompilation of the Constitution of
18 Alabama of 1901, as amended, prohibits a general
19 law whose purpose or effect would be to require a
20 new or increased expenditure of local funds from
21 becoming effective with regard to a local
22 governmental entity without enactment by a 2/3 vote
23 unless: it comes within one of a number of
24 specified exceptions; it is approved by the
25 affected entity; or the Legislature appropriates
26 funds, or provides a local source of revenue, to
27 the entity for the purpose.

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

8
9 A BILL
10 TO BE ENTITLED
11 AN ACT

12
13 Relating to crimes and offenses; to amend Section
14 13A-6-3, Code of Alabama 1975, to provide when a person sells
15 or otherwise distributes a controlled substance in violation
16 of the law and death results from the use of the controlled
17 substance, the person is guilty of manslaughter; and in
18 connection therewith would have as its purpose or effect the
19 requirement of a new or increased expenditure of local funds
20 within the meaning of Amendment 621 of the Constitution of
21 Alabama of 1901, now appearing as Section 111.05 of the
22 Official Recompilation of the Constitution of Alabama of 1901,
23 as amended.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

27 "§13A-6-3.

1 "(a) A person commits the crime of manslaughter if
2 he or she does any of the following:

3 "(1) ~~He recklessly~~ Recklessly causes the death of
4 another person, ~~or.~~

5 "(2) ~~He causes~~ Causes the death of another person
6 under circumstances that would constitute murder under Section
7 13A-6-2; except, that he or she causes the death due to a
8 sudden heat of passion caused by provocation recognized by
9 law, and before a reasonable time for the passion to cool and
10 for reason to reassert itself.

11 "(3) Sells, furnishes, gives away, delivers, or
12 distributes a controlled substance in violation of subsection
13 (a) of Section 13A-12-211, and the person to whom the
14 controlled substance is sold, furnished, given, delivered, or
15 distributed dies as a proximate result of the use of the
16 controlled substance; provided, nothing in this subdivision
17 shall be construed to apply to a licensed physician engaged in
18 the practice of medicine, a licensed pharmacist engaged in the
19 practice of pharmacy, or a licensed dentist engaged in the
20 practice of dentistry.

21 "(b) Manslaughter is a Class B felony."

22 Section 2. Although this bill would have as its
23 purpose or effect the requirement of a new or increased
24 expenditure of local funds, the bill is excluded from further
25 requirements and application under Amendment 621, now
26 appearing as Section 111.05 of the Official Recompilation of
27 the Constitution of Alabama of 1901, as amended, because the

1 bill defines a new crime or amends the definition of an
2 existing crime.

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