

# HB230 INTRODUCED



1 NOOC8T-1  
2 By Representative Simpson  
3 RFD: Judiciary  
4 First Read: 04-Apr-23  
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SYNOPSIS:

This bill would create the crime of chemical endangerment of a first responder and establish penalties for violations.

Section 111.05 of the Constitution of Alabama of 2022, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the affected entity; or the Legislature appropriates funds, or provides a local source of revenue, to the entity for the purpose.

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

A BILL  
TO BE ENTITLED



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AN ACT

Relating to crimes and offenses; to add Section 13A-6-30 to the Code of Alabama 1975, to create the crime of chemical endangerment of a first responder and establish penalties for violations; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Section 111.05 of the Constitution of Alabama of 2022.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 13A-6-30 is added to the Code of Alabama 1975, to read as follows:

§13A-6-30

(a) A person commits the crime of chemical endangerment of a first responder if he or she knowingly, recklessly, or intentionally causes or permits a first responder, as defined in Section 11-98-1, or a coroner or a deputy coroner, to be exposed to, to ingest or inhale, or to have contact with a Schedule I controlled substance, as provided in Section 20-2-23, or chemical substance, as defined in Section 26-15-2, or a mixture or combination thereof.

(b) For the purposes of this section, in addition to the definition contained in Section 13A-1-2, "serious physical injury" includes exposure, ingestion, inhalation, or contact with fentanyl, any mixture containing fentanyl, any synthetic controlled substance fentanyl, and any synthetic controlled substance fentanyl analogue as described in Sections 20-2-23 and 20-2-25.



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57 (c) (1) Chemical endangerment of a first responder that  
58 causes physical injury is a Class C felony.

59 (2) Chemical endangerment of a first responder that  
60 causes serious physical injury is a Class B felony.

61 (3) Chemical endangerment of a first responder that  
62 results in the death of the first responder is a Class A  
63 felony.

64 Section 2. Although this bill would have as its purpose  
65 or effect the requirement of a new or increased expenditure of  
66 local funds, the bill is excluded from further requirements  
67 and application under Section 111.05 of the Constitution of  
68 Alabama of 2022, because the bill defines a new crime or  
69 amends the definition of an existing crime.

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