

HB10 INTRODUCED



1 HB10
2 Z0SEWR-1
3 By Representative Pringle
4 RFD: Judiciary
5 First Read: 06-Feb-24
6 PFD: 01-Dec-23



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SYNOPSIS:

Under existing law, unlawful distribution of a controlled substance is a Class B felony.

This bill would provide that when a person sells or otherwise distributes a controlled substance containing fentanyl, or any mixture containing fentanyl, in violation of the law and death results from the use of the controlled substance, the person is guilty of manslaughter.

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



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29 contained in the amendment.

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A BILL

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TO BE ENTITLED

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AN ACT

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36 Relating to crimes and offenses; to amend Section
37 13A-6-3, as last amended by Act 2023-387, 2023 Regular
38 Session, Code of Alabama 1975, to further provide for the
39 crime of manslaughter; and in connection therewith would have
40 as its purpose or effect the requirement of a new or increased
41 expenditure of local funds within the meaning of Section
42 111.05 of the Constitution of Alabama of 2022.

43 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

44 Section 1. Section 13A-6-3, as last amended by Act
45 2023-387, 2023 Regular Session, Code of Alabama 1975, is
46 amended to read as follows:

47 "§13A-6-3

48 (a) A person commits the crime of manslaughter if he or
49 she does any of the following:

50 (1) Recklessly causes the death of another person.

51 (2) Causes the death of another person under
52 circumstances that would constitute murder under Section
53 13A-6-2; except, that he or she causes the death due to a
54 sudden heat of passion caused by provocation recognized by
55 law, and before a reasonable time for the passion to cool and
56 for reason to reassert itself.



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57 (3) ~~Knowingly sells~~Sells, furnishes, gives away,
58 delivers, or distributes a controlled substance in violation
59 of Section 13A-12-211, which contains fentanyl, any mixture
60 containing fentanyl, any synthetic controlled substance
61 fentanyl, or any synthetic controlled substance fentanyl
62 analogue as described in Sections 20-2-23 and 20-2-25, and the
63 person to whom the controlled substance is sold, furnished,
64 given, delivered, or distributed dies as a proximate result of
65 the use of the controlled substance; provided, nothing in this
66 subdivision shall be construed to apply to a licensed
67 physician engaged in the practice of medicine, a licensed
68 pharmacist engaged in the practice of pharmacy, or a licensed
69 dentist engaged in the practice of dentistry.

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

71 Section 2. Although this bill would have as its purpose
72 or effect the requirement of a new or increased expenditure of
73 local funds, the bill is excluded from further requirements
74 and application under Section 111.05 of the Constitution of
75 Alabama of 2022, because the bill defines a new crime or
76 amends the definition of an existing crime.

77 Section 3. This act shall become effective immediately.