

HB363 ENGROSSED



1 HB363

2 LX96AAA-2

3 By Representatives Faulkner, Pettus, Kirkland, Colvin, Woods,
4 Bedsole, Treadaway

5 RFD: Judiciary

6 First Read: 21-Mar-24



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A BILL
TO BE ENTITLED
AN ACT

Relating to crimes and offenses; to amend Section 13A-6-2, Code of Alabama 1975, and Section 13A-6-3, as last amended by Act 2023-387, 2023 Regular Session, Code of Alabama 1975, to provide that a person commits the crime of murder if he or she commits the crime of driving under the influence in certain circumstances; to provide that a person commits the crime of manslaughter if he or she commits the crime of driving under the influence in certain circumstances; 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. This act shall be known and cited as the Daryl and Jeanna Speegle and Maggie and Christie Lowe Act.

Section 2. Section 13A-6-2, Code of Alabama 1975, and Section 13A-6-3, as last amended by Act 2023-387, 2023 Regular Session, Code of Alabama 1975, are amended to read as follows:

"§13A-6-2



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29 (a) A person commits the crime of murder if he or she
30 does any of the following:

31 (1) With intent to cause the death of another person,
32 he or she causes the death of that person or of another
33 person.

34 (2) Under circumstances manifesting extreme
35 indifference to human life, he or she recklessly engages in
36 conduct ~~which~~ that creates a grave risk of death to a person
37 other than himself or herself, ~~and thereby~~ causes the death of
38 another person.

39 (3) He or she commits or attempts to commit arson in
40 the first degree, burglary in the first or second degree,
41 escape in the first degree, kidnapping in the first degree,
42 rape in the first degree, robbery in any degree, sodomy in the
43 first degree, aggravated child abuse under Section 26-15-3.1,
44 or any other felony clearly dangerous to human life and, in
45 the course of and in furtherance of the crime that he or she
46 is committing or attempting to commit, or in immediate flight
47 therefrom, he or she, or another participant if there be any,
48 causes the death of any person.

49 (4) He or she commits the crime of arson and a
50 qualified governmental or volunteer firefighter or other
51 public safety officer dies while performing his or her duty
52 resulting from the arson.

53 (5) He or she operates a motor vehicle in violation of
54 Section 32-5A-191, and causes the death of another person when
55 both of the following occur:

56 a. He or she has one or more prior driving under the



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57 influence convictions.

58 b. He or she had at least 0.15 percent or more by
59 weight of alcohol in his or her blood while operating or being
60 in actual physical control of a vehicle.

61 (b) A person does not commit murder under subdivisions
62 (a) (1) or (a) (2) ~~of this section~~ if he or she was moved to act
63 by a sudden heat of passion caused by provocation recognized
64 by law, and before there had been a reasonable time for the
65 passion to cool and for reason to reassert itself. The burden
66 of injecting the issue of killing under legal provocation is
67 on the defendant, but this does not shift the burden of proof.
68 This subsection does not apply to a prosecution for, or
69 preclude a conviction of, manslaughter or other crime.

70 (c) Murder is a Class A felony; provided, that the
71 punishment for murder or any offense committed under
72 aggravated circumstances by a person 18 years of age or older,
73 as provided by Article 2 of Chapter 5 of this title, is death
74 or life imprisonment without parole, which punishment shall be
75 determined and fixed as provided by Article 2 of Chapter 5 of
76 this title or any amendments thereto. The punishment for
77 murder or any offense committed under aggravated circumstances
78 by a person under the age of 18 years, as provided by Article
79 2 of Chapter 5, is either life imprisonment without parole, or
80 life, which punishment shall be determined and fixed as
81 provided by Article 2 of Chapter 5 of this title or any
82 amendments thereto and the applicable Alabama Rules of
83 Criminal Procedure.

84 (d) If the defendant is sentenced to life on a capital



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85 offense, the defendant must serve a minimum of 30 years, day
86 for day, prior to first consideration of parole."

87 "§13A-6-3

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

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

91 (2) Causes the death of another person under
92 circumstances that would constitute murder under Section
93 13A-6-2; except, that he or she causes the death due to a
94 sudden heat of passion caused by provocation recognized by
95 law, and before a reasonable time for the passion to cool and
96 for reason to reassert itself.

97 (3) Knowingly sells, furnishes, gives away, delivers,
98 or distributes a controlled substance in violation of Section
99 13A-12-211, and the person to whom the controlled substance is
100 sold, furnished, given, delivered, or distributed dies as a
101 proximate result of the use of the controlled substance;
102 provided, nothing in this subdivision shall be construed to
103 apply to a licensed physician engaged in the practice of
104 medicine, a licensed pharmacist engaged in the practice of
105 pharmacy, or a licensed dentist engaged in the practice of
106 dentistry.

107 (4) He or she operates a motor vehicle or vessel in
108 violation of Section 32-5A-191 or 32-5A-191.3, and causes the
109 death of another person with the vehicle or vessel.

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

111 Section 3. Although this bill would have as its purpose
112 or effect the requirement of a new or increased expenditure of



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113 local funds, the bill is excluded from further requirements
114 and application under Section 111.05 of the Constitution of
115 Alabama of 2022, because the bill defines a new crime or
116 amends the definition of an existing crime.

117 Section 4. This act shall become effective on October
118 1, 2024.



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House of Representatives

Read for the first time and referred21-Mar-24
to the House of Representatives
committee on Judiciary

Read for the second time and placed04-Apr-24
on the calendar:
1 amendment

Read for the third time and passed11-Apr-24
as amended
Yeas 76
Nays 21
Abstains 4

John Treadwell
Clerk