



House Judiciary Reported Substitute for SB32

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A BILL
TO BE ENTITLED
AN ACT

Relating to crimes and offenses; to amend Sections 13A-6-1, 13A-6-2, 13A-6-3, as last amended by Act 2024-103, 2024 Regular Session, 13A-6-20, and 13A-6-21, as last amended by Act 2024-91, 2024 Regular Session, Code of Alabama 1975, to create the definition of machinegun; and to provide for mandatory enhanced sentences for a person who causes the death of another by means of a machinegun or causes an injury by means of a machinegun.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 13A-6-1, 13A-6-2, 13A-6-3, as last amended by Act 2024-103, 2024 Regular Session, 13A-6-20, and 13A-6-21, as last amended by Act 2024-91, 2024 Regular Session, Code of Alabama 1975, are amended to read as follows:

"§13A-6-1

(a) As used in Article 1 and Article 2, the following terms ~~shall have the~~ following meanings ~~ascribed to them by this section:~~

(1) CRIMINAL HOMICIDE. Murder, manslaughter, or criminally negligent homicide.

(2) HOMICIDE. A person commits criminal homicide if he



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29 or she intentionally, knowingly, recklessly or with criminal
30 negligence causes the death of another person.

31 (3) MACHINEGUN. a. Any of the following:

32 1. Any firearm that shoots, is designed to shoot, or
33 can be readily restored to shoot, more than one shot
34 automatically without manual reloading by a single function of
35 the trigger.

36 2. Any part or combination of parts designed and
37 intended solely and exclusively for use in converting a
38 firearm into a machinegun.

39 3. Any combination of parts from which a machinegun can
40 be assembled if the parts are in the possession or control of
41 a person.

42 b. The term does not include the following: Any part,
43 combination of parts, or device that is designed or intended
44 to increase a firearm's rate of fire but that does not enable
45 a semiautomatic firearm to fire more than two shots, without
46 manual reloading, by a single function of the trigger.

47 ~~(3)~~ (4) PERSON. The term, when referring to the victim
48 of a criminal homicide or assault, means a human being,
49 including an unborn child in utero at any stage of
50 development, regardless of viability.

51 (b) (1) Article 1 or Article 2 shall not apply to the
52 death or injury to an unborn child alleged to be caused by
53 medication or medical care or treatment provided to a pregnant
54 woman when performed by a licensed physician or other licensed
55 health care provider.

56 (2) Mistake, or unintentional error on the part of a



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57 licensed physician or other licensed health care provider or
58 his or her employee or agent or any person acting on behalf of
59 the patient shall not subject the licensed physician or other
60 licensed health care provider or person acting on behalf of
61 the patient to any criminal liability under this section.

62 (3) "Medical care" or "treatment" includes, but is not
63 limited to, ordering, dispensation, or administration of
64 prescribed medications and medical procedures.

65 (c) A victim of domestic violence or sexual assault may
66 not be charged under Article 1 or Article 2 for the injury or
67 death of an unborn child caused by a crime of domestic
68 violence or rape perpetrated upon her.

69 (d) Nothing in Article 1 or Article 2 shall permit the
70 prosecution of ~~(1)~~: (i) any person for conduct relating to an
71 abortion for which the consent of the pregnant woman or a
72 person authorized by law to act on her behalf has been
73 obtained or for which consent is implied by law; or ~~(2)~~ (ii)
74 any woman with respect to her unborn child.

75 (e) Nothing in this section shall make it a crime to
76 perform or obtain an abortion that is otherwise legal. Nothing
77 in this section shall be construed to make an abortion legal
78 which is not otherwise authorized by law."

79 "§13A-6-2

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

82 (1) With intent to cause the death of another person,
83 ~~he or she~~ causes the death of that person or of another
84 person.



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85 (2) Under circumstances manifesting extreme
86 indifference to human life, ~~he or she~~ recklessly engages in
87 conduct ~~which~~ that creates a grave risk of death to a person
88 other than himself or herself, and thereby causes the death of
89 another person.

90 (3) ~~He or she commits~~ Commits or attempts to commit
91 arson in the first degree, burglary in the first or second
92 degree, escape in the first degree, kidnapping in the first
93 degree, rape in the first degree, robbery in any degree,
94 sodomy in the first degree, aggravated child abuse under
95 Section 26-15-3.1, or any other felony clearly dangerous to
96 human life and, in the course of and in furtherance of the
97 crime that he or she is committing or attempting to commit, or
98 in immediate flight therefrom, he or she, or another
99 participant if there be any, causes the death of any person.

100 (4) ~~He or she commits~~ Commits the crime of arson and a
101 qualified governmental or volunteer firefighter or other
102 public safety officer dies while performing his or her duty
103 resulting from the arson.

104 (b) A person does not commit murder under ~~subdivisions~~
105 subdivision (a) (1) or (a) (2) ~~of this section~~ if he or she was
106 moved to act by a sudden heat of passion caused by provocation
107 recognized by law, and before there had been a reasonable time
108 for the passion to cool and for reason to reassert itself. The
109 burden of injecting the issue of killing under legal
110 provocation is on the defendant, but this does not shift the
111 burden of proof. This subsection does not apply to a
112 prosecution for, or preclude a conviction of, manslaughter or



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113 other crime.

114 (c) (1)a. Murder is a Class A felony; ~~provided, that the~~
115 ~~.~~

116 b. The punishment for murder or any offense committed
117 under aggravated circumstances by a person 18 years of age or
118 older, as provided by Article 2 of Chapter 5 ~~of this title~~, is
119 death or life imprisonment without parole, which punishment
120 shall be determined and fixed as provided by Article 2 of
121 Chapter 5 ~~of this title or any amendments thereto~~. The
122 punishment for murder or any offense committed under
123 aggravated circumstances by a person under ~~the age of~~ 18 years
124 of age, as provided by Article 2 of Chapter 5, is either life
125 imprisonment without parole, or life, which punishment shall
126 be determined and fixed as provided by Article 2 of Chapter 5
127 ~~of this title or any amendments thereto~~ and the applicable
128 Alabama Rules of Criminal Procedure.

129 c. The punishment for murder where the death was caused
130 by a machinegun committed by a person 18 years of age or older
131 is life imprisonment without the possibility of parole. The
132 punishment for murder where the death was caused by a
133 machinegun committed by a person under 18 years of age is
134 either life imprisonment without parole or life imprisonment.

135 (2) If the defendant is sentenced to life on a capital
136 offense, the defendant must serve a minimum of 30 years, day
137 for day, prior to first consideration of parole."

138 "§13A-6-3

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



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

142 (2) Causes the death of another person under
143 circumstances that would constitute murder under Section
144 13A-6-2; except, that he or she causes the death due to a
145 sudden heat of passion caused by provocation recognized by
146 law, and before a reasonable time for the passion to cool and
147 for reason to reassert itself.

148 (3)a. Knowingly sells, furnishes, gives away, delivers,
149 or distributes a controlled substance in violation of Section
150 13A-12-211, which contains fentanyl, any mixture containing
151 fentanyl, any synthetic controlled substance fentanyl, or any
152 synthetic controlled substance fentanyl analogue as described
153 in Sections 20-2-23 and 20-2-25, and the person to whom the
154 controlled substance is sold, furnished, given, delivered, or
155 distributed dies as a proximate result of the use of the
156 controlled substance; provided, nothing in this subdivision
157 shall be construed to apply to a licensed physician engaged in
158 the practice of medicine, a licensed pharmacist engaged in the
159 practice of pharmacy, or a licensed dentist engaged in the
160 practice of dentistry.

161 b. It is not a defense to this subdivision that the
162 person who sold, furnished, gave away, delivered, or
163 distributed the controlled substance had no knowledge that the
164 controlled substance contained fentanyl, any mixture
165 containing fentanyl, any synthetic controlled substance
166 fentanyl, or any synthetic controlled substance fentanyl
167 analogue as described in ~~Section~~Sections 20-2-23 and 20-2-25.

168 (b) (1) ~~Manslaughter~~ Except as provided in subdivision



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169 (2), manslaughter is a Class B felony.

170 (2) Manslaughter is a Class A felony if the death was
171 caused by a machinegun, and on a conviction, the defendant
172 shall be sentenced to life imprisonment without the
173 possibility of parole."

174 "§13A-6-20

175 (a) A person commits the crime of assault in the first
176 degree if he or she does any of the following:

177 (1) With intent to cause serious physical injury to
178 another person, ~~he or she~~ causes serious physical injury to
179 any person by means of a deadly weapon or a dangerous
180 instrument; ~~or~~.

181 (2) With intent to disfigure another person seriously
182 and permanently, or to destroy, amputate, or disable
183 permanently a member or organ of the body of another person,
184 ~~he or she~~ causes such an injury to any person; ~~or~~.

185 (3) Under circumstances manifesting extreme
186 indifference to the value of human life, ~~he or she~~ recklessly
187 engages in conduct ~~which~~ that creates a grave risk of death to
188 another person, and thereby causes serious physical injury to
189 any person; ~~or~~.

190 (4) In the course of and in furtherance of the
191 commission or attempted commission of arson in the first
192 degree, burglary in the first or second degree, escape in the
193 first degree, kidnapping in the first degree, rape in the
194 first degree, robbery in any degree, sodomy in the first
195 degree or any other felony clearly dangerous to human life, or
196 of immediate flight therefrom, ~~he or she~~ causes a serious



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197 physical injury to another person; ~~or~~.

198 (5) While driving under the influence of alcohol or a
199 controlled substance or any combination thereof in violation
200 of Section 32-5A-191 or 32-5A-191.3, ~~he or she~~ causes serious
201 physical injury to the person of another with a vehicle or
202 vessel.

203 (b) (1) Assault Except as provided in subdivision (2),
204 assault in the first degree is a Class B felony.

205 (2) Assault in the first degree is a Class A felony if
206 the injury was caused by a machinegun, and on a conviction,
207 the defendant shall be sentenced to life imprisonment."

208 "§13A-6-21

209 (a) A person commits the crime of assault in the second
210 degree if ~~the person~~ he or she does any of the following:

211 (1) With intent to cause serious physical injury to
212 another person, ~~he or she~~ causes serious physical injury to
213 any person.

214 (2) With intent to cause physical injury to another
215 person, ~~he or she~~ causes physical injury to any person by
216 means of a deadly weapon or a dangerous instrument.

217 (3) ~~He or she recklessly~~ Recklessly causes serious
218 physical injury to another person by means of a deadly weapon
219 or a dangerous instrument.

220 (4)a. With intent to prevent a peace officer, as
221 defined in Section 36-21-60, a detention or correctional
222 officer at any municipal or county jail or state penitentiary,
223 emergency medical personnel, a utility worker, or a
224 firefighter from performing a lawful duty, ~~he or she~~ intends



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225 to cause physical injury and ~~he or she~~ causes physical injury
226 to any person.

227 b. For the purpose of this subdivision, a person who is
228 a peace officer who is employed or under contract while off
229 duty by a private or public entity is a peace officer
230 performing a lawful duty when the person is working in his or
231 her approved uniform while off duty with the approval of his
232 or her employing law enforcement agency. Provided, however,
233 that nothing contained in this subdivision shall be deemed or
234 construed as amending, modifying, or extending the
235 classification of a peace officer as off-duty for workers'
236 compensation purposes or any other benefits to which a peace
237 officer may otherwise be entitled to under law when considered
238 on-duty. Additionally, nothing contained in this subdivision
239 shall be deemed or construed as amending, modifying, or
240 extending the tort liability of any municipality as a result
241 of any action or inaction on the part of an off-duty police
242 officer.

243 (5) With intent to cause physical injury to a teacher
244 or to an employee of a public educational institution during
245 or as a result of the performance of his or her duty, ~~he or~~
246 ~~she~~ causes physical injury to any person.

247 (6) With intent to cause physical injury to a health
248 care worker, including a nurse, physician, technician, or any
249 other person employed by or practicing at a hospital as
250 defined in Section 22-21-20; a county or district health
251 department; a long-term care facility; a physician's office,
252 clinic, or outpatient treatment facility during the course of



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253 or as a result of the performance of the duties of the health
254 care worker or other person employed by or practicing at the
255 hospital; the county or district health department; any health
256 care facility owned or operated by the State of Alabama; the
257 long-term care facility; the physician's office, clinic, or
258 outpatient treatment facility; or a pharmacist, pharmacy
259 technician, pharmacy intern, pharmacy extern, or pharmacy
260 cashier; ~~he or she~~ causes physical injury to any person. This
261 subdivision shall apply to assaults on home health care
262 workers while they are in a private residence. This
263 subdivision shall not apply to assaults by patients who are
264 impaired by medication.

265 (7) For a purpose other than lawful medical or
266 therapeutic treatment, ~~he or she~~ intentionally causes stupor,
267 unconsciousness, or other physical or mental impairment or
268 injury to another person by administering to him or her,
269 without his or her consent, a drug, substance or preparation
270 capable of producing the intended harm.

271 (8) With intent to cause physical injury to a
272 Department of Human Resources employee or any employee
273 performing social work, as defined in Section 34-30-1, during
274 or as a result of the performance of his or her duty, ~~he or~~
275 ~~she~~ causes physical injury to any person.

276 (9) With intent to cause physical injury to a letter
277 carrier, as defined in Section 32-6-380, during or as a result
278 of the performance of his or her duty, ~~he or she~~ causes
279 physical injury to any person.

280 (b) (1) ~~Assault~~ Except as provided in subdivision (2),



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281 assault in the second degree is a Class C felony.

282 (2) Assault in the second degree is a Class A felony if
283 the injury was caused by a machinegun, and on a conviction,
284 the defendant shall be sentenced to life imprisonment.

285 (c) For the purposes of this section, "utility worker"
286 means any person who is employed by an entity that owns,
287 operates, leases, or controls any plant, property, or facility
288 for the generation, transmission, manufacture, production,
289 supply, distribution, sale, storage, conveyance, delivery, or
290 furnishing to or for the public of electricity, natural or
291 manufactured gas, water, steam, sewage, or telephone service,
292 including two or more utilities rendering joint service."

293 Section 2. This act shall become effective on October
294 1, 2025.

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295
296
297 Senate

298 Read for the first time and referred04-Feb-25
299 to the Senate committee on Judiciary
300
301 Read for the second time and placed12-Feb-25
302 on the calendar:
303 0 amendments
304
305 Read for the third time and passed13-Feb-25
306 as amended
307 Yeas 30
308 Nays 1
309 Abstains 0
310

311
312 Patrick Harris,
313 Secretary.
314