

HB20 INTRODUCED



1 HB20
2 PS5WQEE-1
3 By Representative Simpson
4 RFD: Judiciary
5 First Read: 13-Jan-26
6 PFD: 25-Jun-25



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SYNOPSIS:

Under existing law, when murder is committed under certain enumerated circumstances, the defendant may be charged with capital murder, which is generally punishable by death or life imprisonment without parole, with exceptions.

This bill would add to the list of capital offenses the crime of murder committed when the defendant knowingly creates a great risk of death to multiple persons.

Also under existing law, following a defendant's conviction for a capital offense, the court shall conduct a separate hearing to determine whether the defendant will be sentenced to death or life imprisonment without parole. Aggravating and mitigating circumstances may be presented at the hearing. At least one aggravating circumstance must be established as existing to make the defendant eligible for death.

This bill would further provide for the list of aggravating circumstances by including creating a great risk of death to multiple persons.

A BILL
TO BE ENTITLED



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AN ACT

Relating to crimes and offenses; to amend Sections 13A-5-40 and 13A-5-49, Code of Alabama 1975, to provide further for the list of capital offenses and the list of aggravating circumstances; to include within each list murder when the defendant knowingly creates a great risk of death to multiple persons.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 13A-5-40 and 13A-5-49, Code of Alabama 1975, are amended to read as follows:

"§13A-5-40

(a) The following are capital offenses:

(1) Murder by the defendant during a kidnapping in the first degree or an attempt thereof committed by the defendant.

(2) Murder by the defendant during a robbery in the first degree or an attempt thereof committed by the defendant.

(3) Murder by the defendant during a rape in the first or second degree or an attempt thereof committed by the defendant; or murder by the defendant during sodomy in the first or second degree or an attempt thereof committed by the defendant.

(4) Murder by the defendant during a burglary in the first or second degree or an attempt thereof committed by the defendant.

(5) Murder of any police officer, sheriff, deputy, state trooper, federal law enforcement officer, or any other state or federal peace officer of any kind, or prison or jail



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57 guard, while the officer or guard is on duty, regardless of
58 whether the defendant knew or should have known the victim was
59 an officer or guard on duty, or because of some official or
60 job-related act or performance of the officer or guard.

61 (6) Murder committed while the defendant is under
62 sentence of life imprisonment.

63 (7) Murder done for a pecuniary or other valuable
64 consideration or pursuant to a contract or for hire.

65 (8) Murder by the defendant during sexual abuse in the
66 first or second degree or an attempt thereof committed by the
67 defendant.

68 (9) Murder by the defendant during arson in the first
69 or second degree committed by the defendant; or murder by the
70 defendant by means of explosives or explosion.

71 (10) Murder wherein two or more persons are murdered by
72 the defendant by one act or pursuant to one scheme or course
73 of conduct.

74 (11) Murder by the defendant when the victim is a state
75 or federal public official or former public official and the
76 murder stems from or is caused by or is related to his or her
77 official position, act, or capacity.

78 (12) Murder by the defendant during the act of
79 unlawfully assuming control of any aircraft by use of threats
80 or force with intent to obtain any valuable consideration for
81 the release of the aircraft or any passenger or crewmen
82 thereon, to direct the route or movement of the aircraft, or
83 otherwise exert control over the aircraft.

84 (13) Murder by a defendant who has been convicted of



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85 any other murder in the 20 years preceding the crime; provided
86 that the murder which constitutes the capital crime shall be
87 murder as defined in subsection (b); and provided further that
88 the prior murder conviction referred to shall include murder
89 in any degree as defined at the time and place of the prior
90 conviction.

91 (14) Murder when the victim is subpoenaed, or has been
92 subpoenaed, to testify, or the victim had testified, in any
93 preliminary hearing, grand jury proceeding, criminal trial or
94 criminal proceeding of whatever nature, or civil trial or
95 civil proceeding of whatever nature, in any municipal, state,
96 or federal court, when the murder stems from, is caused by, or
97 is related to the capacity or role of the victim as a witness.

98 (15) Murder when the victim is less than ~~fourteen~~14
99 years of age.

100 (16) Murder committed by or through the use of a deadly
101 weapon fired or otherwise used from outside a dwelling while
102 the victim is in a dwelling.

103 (17) Murder committed by or through the use of a deadly
104 weapon while the victim is in a vehicle.

105 (18) Murder committed by or through the use of a deadly
106 weapon fired or otherwise used within or from a vehicle.

107 (19) Murder by the defendant where a court had issued a
108 protective order for the victim, against the defendant,
109 pursuant to Section 30-5-1 et seq., or the protective order
110 was issued as a condition of the defendant's pretrial release.

111 (20) Murder by the defendant in the presence of a child
112 under the age of 14 years at the time of the offense, if the



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113 victim was the parent or legal guardian of the child. For
114 purposes of this subsection, "in the presence of a child"
115 means in the physical presence of a child or having knowledge
116 that a child is present and may see or hear the act.

117 (21) Murder when the victim is a first responder who is
118 operating in an official capacity. For the purposes of this
119 subdivision, first responder includes emergency medical
120 services personnel licensed by the Alabama Department of
121 Public Health and firefighters and volunteer firefighters as
122 defined by Section 36-32-1.

123 (22) Murder when the defendant knowingly creates a
124 great risk of death to multiple persons.

125 (b) Except as specifically provided to the contrary in
126 the last part of subdivision (a)(13), the terms "murder" and
127 "murder by the defendant" as used in this section to define
128 capital offenses mean murder as defined in Section
129 13A-6-2(a)(1), but not as defined in Section 13A-6-2(a)(2) and
130 (3). Subject to the provisions of Section 13A-5-41, murder as
131 defined in Section 13A-6-2(a)(2) and (3), as well as murder as
132 defined in Section 13A-6-2(a)(1), may be a lesser included
133 offense of the capital offenses defined in subsection (a).

134 (c) A defendant who does not personally commit the act
135 of killing which constitutes the murder is not guilty of a
136 capital offense defined in subsection (a) unless that
137 defendant is legally accountable for the murder because of
138 complicity in the murder itself under the provisions of
139 Section 13A-2-23, in addition to being guilty of the other
140 elements of the capital offense as defined in subsection (a).



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141 (d) To the extent that a crime other than murder is an
142 element of a capital offense defined in subsection (a), a
143 defendant's guilt of that other crime may also be established
144 under Section 13A-2-23. When the defendant's guilt of that
145 other crime is established under Section 13A-2-23, that crime
146 shall be deemed to have been "committed by the defendant"
147 within the meaning of that phrase as it is used in subsection
148 (a)."

149 "§13A-5-49

150 Aggravating circumstances shall be any of the
151 following:

152 (1) The capital offense was committed by a person under
153 sentence of imprisonment.

154 (2) The defendant was previously convicted of another
155 capital offense or a felony involving the use or threat of
156 violence to the person.

157 (3) The defendant knowingly created a great risk of
158 death to ~~many~~multiple persons.

159 (4) The capital offense was committed while the
160 defendant was engaged or was an accomplice in the commission
161 of, or an attempt to commit, or flight after committing, or
162 attempting to commit, rape, robbery, burglary, or kidnapping.

163 (5) The capital offense was committed for the purpose
164 of avoiding or preventing a lawful arrest or effecting an
165 escape from custody.

166 (6) The capital offense was committed for pecuniary
167 gain.

168 (7) The capital offense was committed to disrupt or



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169 hinder the lawful exercise of any governmental function or the
170 enforcement of laws.

171 (8) The capital offense was especially heinous,
172 atrocious, or cruel compared to other capital offenses.

173 (9) The defendant intentionally caused the death of two
174 or more persons by one act or pursuant to one scheme or course
175 of conduct.

176 (10) The capital offense was one of a series of
177 intentional killings committed by the defendant.

178 (11) The capital offense was committed when the victim
179 was less than 14 years of age.

180 (12) The capital offense was committed by the defendant
181 in the presence of a child under the age of 14 years at the
182 time of the offense, if the victim was the parent or legal
183 guardian of the child. For the purposes of this subdivision,
184 "in the presence of a child" means in the physical presence of
185 a child or having knowledge that a child is present and may
186 see or hear the act.

187 (13) The victim of the capital offense was any police
188 officer, sheriff, deputy, state trooper, federal law
189 enforcement officer, or any other state or federal peace
190 officer of any kind, or prison or jail guard, while the
191 officer or guard was on duty, regardless of whether the
192 defendant knew or should have known the victim was an officer
193 or guard on duty, or because of some official or job-related
194 act or performance of the officer or guard.

195 (14) The victim of the capital offense was a first
196 responder who was operating in an official capacity. For the



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197 purposes of this subdivision, first responder includes
198 emergency medical services personnel licensed by the Alabama
199 Department of Public Health, as well as firefighters and
200 volunteer firefighters as defined by Section 36-32-1."

201 Section 2. This act shall become effective on October
202 1, 2026.