

1 HB13  
2 146329-1  
3 By Representative Mask  
4 RFD: Judiciary  
5 First Read: 05-FEB-13  
6 PFD: 12/07/2012

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8 SYNOPSIS: Under existing law, a person commits  
9 criminally negligent homicide if the person causes  
10 the death of another person by criminal negligence.  
11 Criminally negligent homicide is a Class C felony  
12 if the homicide is caused by the driver of a motor  
13 vehicle while driving under the influence of  
14 alcohol or drugs in violation of Section 32-5A-191,  
15 Code of Alabama 1975.

16 Also under Section 32-5A-191, a person is  
17 guilty of operating a vessel and certain other  
18 marine devices under the influence of alcohol or  
19 drugs if the person operates the vessel or devices  
20 under conditions in which the person would be  
21 guilty of driving a motor vehicle under the  
22 influence. Also under the Alabama Criminal Code, a  
23 vehicle is generally defined in subdivision (15) of  
24 Section 13A-1-2, Code of Alabama 1975, to include  
25 any propelled devices including any vessel.

26 This bill would provide that a person  
27 commits criminally negligent homicide if the

1 criminally negligent homicide is caused by the  
2 operator of any vehicle while unlawfully driving or  
3 operating the vehicle under the influence of  
4 alcohol or drugs.

5 Under existing law, a person commits assault  
6 in the first degree if the person causes serious  
7 bodily injury to another person with a motor  
8 vehicle while driving under the influence of  
9 alcohol or drugs in violation of Section 32-5A-191,  
10 Code of Alabama 1975.

11 This bill would provide that a person would  
12 commit assault in the first degree if the person  
13 causes serious physical injury to another person  
14 while driving or operating any vehicle while under  
15 the influence of alcohol or drugs.

16 Amendment 621 of the Constitution of Alabama  
17 of 1901, now appearing as Section 111.05 of the  
18 Official Recompilation of the Constitution of  
19 Alabama of 1901, as amended, prohibits a general  
20 law whose purpose or effect would be to require a  
21 new or increased expenditure of local funds from  
22 becoming effective with regard to a local  
23 governmental entity without enactment by a 2/3 vote  
24 unless: it comes within one of a number of  
25 specified exceptions; it is approved by the  
26 affected entity; or the Legislature appropriates

1 funds, or provides a local source of revenue, to  
2 the entity for the purpose.

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

10  
11 A BILL  
12 TO BE ENTITLED  
13 AN ACT  
14

15 To amend Sections 13A-6-4 and 13A-6-20 of the Code  
16 of Alabama 1975, relating to the offense of criminally  
17 negligent homicide and assault in the first degree,  
18 respectively, and providing when the offenses are committed by  
19 persons unlawfully driving a motor vehicle under the influence  
20 of alcohol or drugs; to provide that the offense may be  
21 committed by a person while driving or operating any vehicle,  
22 including a vessel, while unlawfully under the influence of  
23 alcohol or drugs; and in connection therewith would have as  
24 its purpose or effect the requirement of a new or increased  
25 expenditure of local funds within the meaning of Amendment 621  
26 of the Constitution of Alabama of 1901, now appearing as

1 Section 111.05 of the Official Recompilation of the  
2 Constitution of Alabama of 1901, as amended.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Sections 13A-6-4 and 13A-6-20 of the Code  
5 of Alabama 1975, are amended to read as follows:

6 "§13A-6-4.

7 "(a) A person commits the crime of criminally  
8 negligent homicide if he or she causes the death of another  
9 person by criminal negligence.

10 "(b) The jury may consider statutes and ordinances  
11 regulating the actor's conduct in determining whether he is  
12 culpably negligent under subsection (a) ~~of this section~~.

13 "(c) Criminally negligent homicide is a Class A  
14 misdemeanor, except in cases in which ~~said~~ the criminally  
15 negligent homicide is caused by the driver or operator of a  
16 ~~motor~~ vehicle or vessel who is driving or operating the  
17 vehicle or vessel in violation of the provisions of Section  
18 32-5A-191 or Section 32-5A-191.3; in ~~such~~ these cases  
19 criminally negligent homicide is a Class C felony.

20 "§13A-6-20.

21 "(a) A person commits the crime of assault in the  
22 first degree if:

23 "(1) With intent to cause serious physical injury to  
24 another person, he or she causes serious physical injury to  
25 any person by means of a deadly weapon or a dangerous  
26 instrument; or

1           "(2) With intent to disfigure another person  
2 seriously and permanently, or to destroy, amputate, or disable  
3 permanently a member or organ of his or her body, he or she  
4 causes such an injury to any person; or

5           "(3) Under circumstances manifesting extreme  
6 indifference to the value of human life, he or she recklessly  
7 engages in conduct which creates a grave risk of death to  
8 another person, and thereby causes serious physical injury to  
9 any person; or

10           "(4) In the course of and in furtherance of the  
11 commission or attempted commission of arson in the first  
12 degree, burglary in the first or second degree, escape in the  
13 first degree, kidnapping in the first degree, rape in the  
14 first degree, robbery in any degree, sodomy in the first  
15 degree, or any other felony clearly dangerous to human life,  
16 or of immediate flight therefrom, he or she causes a serious  
17 physical injury to another person; or

18           "(5) While driving under the influence of alcohol or  
19 a controlled substance or any combination thereof in violation  
20 of Section 32-5A-191 or Section 32-5A-191.3, he or she causes  
21 serious ~~bodily~~ physical injury to the person of another with a  
22 motor vehicle or vessel.

23           "(b) Assault in the first degree is a Class B  
24 felony."

25           Section 2. Although this bill would have as its  
26 purpose or effect the requirement of a new or increased  
27 expenditure of local funds, the bill is excluded from further

1 requirements and application under Amendment 621, now  
2 appearing as Section 111.05 of the Official ReCompilation of  
3 the Constitution of Alabama of 1901, as amended, because the  
4 bill defines a new crime or amends the definition of an  
5 existing crime.

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