

# HB363 INTRODUCED



1 HB363  
2 C7A3WJW-1  
3 By Representatives Faulkner, Pettus, Kirkland, Colvin, Woods,  
4 Bedsole, Treadaway  
5 RFD: Judiciary  
6 First Read: 21-Mar-24



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SYNOPSIS:

Under existing law, murder is a Class A felony.

This bill provides that a person commits the crime of murder if he or she commits the crime of driving under the influence and he or she causes the death of another person when the driver has two prior driving under the influence convictions and had a blood alcohol content equal to or greater than 0.15.

Under exiting law, manslaughter is a Class B felony.

This bill provides that a person commits the crime of manslaughter if he or she commits the crime of driving under the influence and he or she causes the death of another person when the driver has one prior driving under the influence conviction and had a blood alcohol content equal to or greater than 0.15.

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



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29 the purpose.

30 The purpose or effect of this bill would be to  
31 require a new or increased expenditure of local funds  
32 within the meaning of the section. However, the bill  
33 does not require approval of a local governmental  
34 entity or enactment by a 2/3 vote to become effective  
35 because it comes within one of the specified exceptions  
36 contained in the section.

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A BILL

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TO BE ENTITLED

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AN ACT

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43 Relating to crimes and offenses; to amend Section  
44 13A-6-2, Code of Alabama 1975, and Section 13A-6-3, as last  
45 amended by Act 2023-387, 2023 Regular Session, Code of Alabama  
46 1975, to provide that a person commits the crime of murder if  
47 he or she commits the crime of driving under the influence in  
48 certain circumstances; to provide that a person commits the  
49 crime of manslaughter if he or she commits the crime of  
50 driving under the influence in certain circumstances; and in  
51 connection therewith would have as its purpose or effect the  
52 requirement of a new or increased expenditure of local funds  
53 within the meaning of Section 111.05 of the Constitution of  
54 Alabama of 2022.

55

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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Section 1. Section 13A-6-2, Code of Alabama 1975, and



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

59 "§13A-6-2

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

62 (1) With intent to cause the death of another person,  
63 he or she causes the death of that person or of another  
64 person.

65 (2) Under circumstances manifesting extreme  
66 indifference to human life, he or she recklessly engages in  
67 conduct ~~which~~ that creates a grave risk of death to a person  
68 other than himself or herself, and ~~thereby~~ causes the death of  
69 another person.

70 (3) He or she commits or attempts to commit arson in  
71 the first degree, burglary in the first or second degree,  
72 escape in the first degree, kidnapping in the first degree,  
73 rape in the first degree, robbery in any degree, sodomy in the  
74 first degree, aggravated child abuse under Section 26-15-3.1,  
75 or any other felony clearly dangerous to human life and, in  
76 the course of and in furtherance of the crime that he or she  
77 is committing or attempting to commit, or in immediate flight  
78 therefrom, he or she, or another participant if there be any,  
79 causes the death of any person.

80 (4) He or she commits the crime of arson and a  
81 qualified governmental or volunteer firefighter or other  
82 public safety officer dies while performing his or her duty  
83 resulting from the arson.

84 (5) He or she commits the crime of driving under the



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85 influence under Section 32-5A-191, and causes the death of  
86 another person when both of the following occur:

87 a. He or she has two or more prior driving under the  
88 influence convictions.

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

92 (b) A person does not commit murder under subdivisions  
93 (a) (1) or (a) (2) ~~of this section~~ if he or she was moved to act  
94 by a sudden heat of passion caused by provocation recognized  
95 by law, and before there had been a reasonable time for the  
96 passion to cool and for reason to reassert itself. The burden  
97 of injecting the issue of killing under legal provocation is  
98 on the defendant, but this does not shift the burden of proof.  
99 This subsection does not apply to a prosecution for, or  
100 preclude a conviction of, manslaughter or other crime.

101 (c) Murder is a Class A felony; provided, that the  
102 punishment for murder or any offense committed under  
103 aggravated circumstances by a person 18 years of age or older,  
104 as provided by Article 2 of Chapter 5 of this title, is death  
105 or life imprisonment without parole, which punishment shall be  
106 determined and fixed as provided by Article 2 of Chapter 5 of  
107 this title or any amendments thereto. The punishment for  
108 murder or any offense committed under aggravated circumstances  
109 by a person under the age of 18 years, as provided by Article  
110 2 of Chapter 5, is either life imprisonment without parole, or  
111 life, which punishment shall be determined and fixed as  
112 provided by Article 2 of Chapter 5 of this title or any



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113 amendments thereto and the applicable Alabama Rules of  
114 Criminal Procedure.

115 (d) If the defendant is sentenced to life on a capital  
116 offense, the defendant must serve a minimum of 30 years, day  
117 for day, prior to first consideration of parole."

118 "§13A-6-3

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

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

122 (2) Causes the death of another person under  
123 circumstances that would constitute murder under Section  
124 13A-6-2; except, that he or she causes the death due to a  
125 sudden heat of passion caused by provocation recognized by  
126 law, and before a reasonable time for the passion to cool and  
127 for reason to reassert itself.

128 (3) Knowingly sells, furnishes, gives away, delivers,  
129 or distributes a controlled substance in violation of Section  
130 13A-12-211, and the person to whom the controlled substance is  
131 sold, furnished, given, delivered, or distributed dies as a  
132 proximate result of the use of the controlled substance;  
133 provided, nothing in this subdivision shall be construed to  
134 apply to a licensed physician engaged in the practice of  
135 medicine, a licensed pharmacist engaged in the practice of  
136 pharmacy, or a licensed dentist engaged in the practice of  
137 dentistry.

138 (4) He or she commits the crime of driving under the  
139 influence under Section 32-5A-191, and causes the death of  
140 another person when both of the following occur:



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141 a. He or she has one prior driving under the influence  
142 conviction.

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

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

147 Section 2. Although this bill would have as its purpose  
148 or effect the requirement of a new or increased expenditure of  
149 local funds, the bill is excluded from further requirements  
150 and application under Section 111.05 of the Constitution of  
151 Alabama of 2022, because the bill defines a new crime or  
152 amends the definition of an existing crime.

153 Section 3. This act shall become effective on October  
154 1, 2024.