

1 HB260  
2 216852-1  
3 By Representative Simpson  
4 RFD: Judiciary  
5 First Read: 03-FEB-22

8 SYNOPSIS: Under existing common law, a person may be  
9 prosecuted for homicide only if the victim dies  
10 within one year and a day of the offender's  
11 wrongful act.

12 This bill would provide that a person may be  
13 prosecuted for homicide if the offender's wrongful  
14 act causes the death of the victim, regardless of  
15 the time that has elapsed between the wrongful act  
16 and the victim's death.

17 This bill would also abrogate the common law  
18 "year-and-a-day rule."

19 Amendment 621 of the Constitution of Alabama  
20 of 1901, as amended by Amendment 890, now appearing  
21 as Section 111.05 of the Official Recompilation of  
22 the Constitution of Alabama of 1901, as amended,  
23 prohibits a general law whose purpose or effect  
24 would be to require a new or increased expenditure  
25 of local funds from becoming effective with regard  
26 to a local governmental entity without enactment by  
27 a 2/3 vote unless: it comes within one of a number

1 of specified exceptions; it is approved by the  
2 affected entity; or the Legislature appropriates  
3 funds, or provides a local source of revenue, to  
4 the entity for the purpose.

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

12  
13 A BILL  
14 TO BE ENTITLED  
15 AN ACT  
16

17 Relating to crimes and offenses; to add Section  
18 13A-6-5 to the Code of Alabama 1975, to provide that a person  
19 may be prosecuted for homicide if the person's wrongful act  
20 causes the death of the victim, regardless of the time that  
21 has elapsed between the wrongful act and the victim's death;  
22 to abrogate the common law "year-and-a-day rule"; and in  
23 connection therewith would have as its purpose or effect the  
24 requirement of a new or increased expenditure of local funds  
25 within the meaning of Amendment 621 of the Constitution of  
26 Alabama of 1901, as amended by Amendment 890, 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. Section 13A-6-5 is added to the Code of  
5 Alabama 1975, to read as follows:

6 §13A-6-5.

7 (a) A person may be prosecuted for any form of  
8 criminal homicide, as defined in Section 13A-6-1, if the  
9 person's wrongful act causes the death of another person,  
10 regardless of the time that has elapsed between the wrongful  
11 act and the victim's death.

12 (b) This act serves to abrogate the common law  
13 "year-and-a-day rule," which provides that a person may not be  
14 prosecuted for criminal homicide if the victim dies one year  
15 and a day after the person's wrongful act.

16 (c) This section shall apply to any act or acts  
17 occurring on or after the effective date of this act.

18 Section 2. Although this bill would have as its  
19 purpose or effect the requirement of a new or increased  
20 expenditure of local funds, the bill is excluded from further  
21 requirements and application under Amendment 621, as amended  
22 by Amendment 890, now appearing as Section 111.05 of the  
23 Official Recompilation of the Constitution of Alabama of 1901,  
24 as amended, because the bill defines a new crime or amends the  
25 definition of an existing crime.

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