

1 HB463
2 158282-2
3 By Representatives Ball, Wood, Johnson (W), Rich, Sanderford,
4 Williams (D), Butler, Roberts and Farley
5 RFD: Judiciary
6 First Read: 12-FEB-14

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8 SYNOPSIS: Under existing law, criminally negligent
9 homicide is a Class A misdemeanor, except it is a
10 Class C felony in cases where the criminally
11 negligent homicide is caused by the driver of a
12 motor vehicle who is driving while under the
13 influence of alcohol or other controlled
14 substances.

15 This bill would provide that criminally
16 negligent homicide would be a Class C felony where
17 the victim is a child under six years of age.

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

1 affected entity; or the Legislature appropriates
2 funds, or provides a local source of revenue, to
3 the entity for the purpose.

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

11
12 A BILL
13 TO BE ENTITLED
14 AN ACT

15
16 To amend Section 13A-6-4 of the Code of Alabama
17 1975, relating to criminally negligent homicide; to provide
18 that criminally negligent homicide would be a Class C felony
19 where the victim is a child under six years of age; and in
20 connection therewith to have as its purpose or effect the
21 requirement of a new or increased expenditure of local funds
22 within the meaning of Amendment 621 of the Constitution of
23 Alabama of 1901, now appearing as Section 111.05 of the
24 Official Recompilation of the Constitution of Alabama of 1901,
25 as amended.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Section 13A-6-4, Code of Alabama 1975, is
2 amended to read as follows:

3 "§13A-6-4.

4 "(a) A person commits the crime of criminally
5 negligent homicide if he causes the death of another person by
6 criminal negligence.

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

10 "(c) Criminally negligent homicide is a Class A
11 misdemeanor, except in cases in which said criminally
12 negligent homicide is caused by the driver of a motor vehicle
13 who is driving in violation of the provisions of Section
14 32-5A-191 or in cases where the victim is a child under six
15 years of age; in such cases criminally negligent homicide is a
16 Class C felony."

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

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

