

1 SB134  
2 173351-1  
3 By Senator Holley  
4 RFD: Judiciary  
5 First Read: 03-FEB-16

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8 SYNOPSIS: Under existing law, a person commits the  
9 crime of criminally negligent homicide if he or she  
10 causes the death of another person by criminal  
11 negligence. Criminally negligent homicide is a  
12 Class A misdemeanor unless the person commits the  
13 offense while driving a vehicle or vessel while  
14 intoxicated.

15 This bill would provide that a person  
16 commits the crime of criminally negligent homicide  
17 if the person causes the death of another person as  
18 a result of operating a motor vehicle, an aircraft,  
19 or a vessel while fatigued. Criminally negligent  
20 homicide under these circumstances would be  
21 punishable as a Class C felony.

22 Amendment 621 of the Constitution of Alabama  
23 of 1901, now appearing as Section 111.05 of the  
24 Official Recompilation of the Constitution of  
25 Alabama of 1901, as amended, prohibits a general  
26 law whose purpose or effect would be to require a  
27 new or increased expenditure of local funds from

1 becoming effective with regard to a local  
2 governmental entity without enactment by a 2/3 vote  
3 unless: it comes within one of a number of  
4 specified exceptions; it is approved by the  
5 affected entity; or the Legislature appropriates  
6 funds, or provides a local source of revenue, to  
7 the entity for the purpose.

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

15  
16 A BILL  
17 TO BE ENTITLED  
18 AN ACT

19  
20 To amend Section 13A-6-4, Code of Alabama 1975,  
21 relating to criminally negligent homicide; to provide that a  
22 person commits the crime of criminally negligent homicide if  
23 the person causes the death of another person as a result of  
24 operating a motor vehicle, an aircraft, or a vessel while  
25 fatigued; to provide penalties; and in connection therewith  
26 would have as its purpose or effect the requirement of a new  
27 or increased expenditure of local funds within the meaning of

1 Amendment 621 of the Constitution of Alabama of 1901, now  
2 appearing as Section 111.05 of the Official Recompilation of  
3 the Constitution of Alabama of 1901, as amended.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

7 "§13A-6-4.

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

11 "(b) A person commits the crime of criminally  
12 negligent homicide if he or she causes the death of another  
13 person as a result of operating a vehicle, an aircraft, or a  
14 vessel while fatigued. As used in this subsection "fatigued"  
15 means having been without sleep for a period of 24 consecutive  
16 hours.

17 "~~(b)~~ (c) The jury may consider statutes and  
18 ordinances regulating the actor's conduct in determining  
19 whether the actor is culpably negligent under subsection (a).

20 "~~(c)~~ (d) Criminally negligent homicide is a Class A  
21 misdemeanor, except in cases in which the criminally negligent  
22 homicide is caused by the driver or operator of a vehicle or  
23 vessel who is driving or operating the vehicle or vessel in  
24 violation of Section 32-5A-191, ~~or 32-5A-191.3,~~ or by a driver  
25 who is driving in violation of subsection (b); in these cases,  
26 criminally negligent homicide is a Class C felony."

1                   Section 2. Although this bill would have as its  
2                   purpose or effect the requirement of a new or increased  
3                   expenditure of local funds, the bill is excluded from further  
4                   requirements and application under Amendment 621, now  
5                   appearing as Section 111.05 of the Official Recompilation of  
6                   the Constitution of Alabama of 1901, as amended, because the  
7                   bill defines a new crime or amends the definition of an  
8                   existing crime.

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