

HB32 INTRODUCED



1 HB32
2 YTYXN62-1
3 By Representative England
4 RFD: Judiciary
5 First Read: 06-Feb-24
6 PFD: 12-Jan-24



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SYNOPSIS:

Under existing law, a person commits the crime of murder if he or she attempts to commit certain felony offenses and in the course of, in furtherance of, or in the immediate flight therefrom, he or she, or another participant, causes the death of another person.

This bill would provide an exception to the crime of murder, specifically, that a person does not commit the crime of murder if the person killed was a willing participant in the underlying felony.

This bill would further provide for penalties for the crime of murder.

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 the purpose.

The purpose or effect of this bill would be to require a new or increased expenditure of local funds



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29 within the meaning of the section. However, the bill
30 does not require approval of a local governmental
31 entity or enactment by a 2/3 vote to become effective
32 because it comes within one of the specified exceptions
33 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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Relating to crimes and offenses; to amend Section
13A-6-2, Code of Alabama 1975, to further provide for the
crime of murder; to provide for an exception to murder; to
further provide for penalties; and in connection therewith
would have as its purpose or effect the requirement of a new
or increased expenditure of local funds within the meaning of
Section 111.05 of the Constitution of Alabama of 2022.

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BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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"§13A-6-2

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

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

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(2) Under circumstances manifesting extreme



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57 indifference to human life, he or she recklessly engages in
58 conduct which creates a grave risk of death to a person other
59 than himself or herself, and thereby causes the death of
60 another person.

61 (3) He or she commits or attempts to commit the crime
62 of arson in the first degree, burglary in the first or second
63 degree, escape in the first degree, kidnapping in the first
64 degree, rape in the first degree, robbery in any degree,
65 sodomy in the first degree, or aggravated child abuse ~~under~~
66 pursuant to Section 26-15-3.1, ~~or any other felony clearly~~
67 ~~dangerous to human life~~ and, in the course of and in
68 furtherance of the crime that he or she is committing or
69 attempting to commit, or in immediate flight therefrom, he or
70 she, ~~or another participant if there be any,~~ causes the death
71 of any person. A person does not commit murder under this
72 subdivision if the person killed was a willing participant in
73 the commission of, or attempt to commit, the underlying
74 felony.

75 (4) He or she commits the crime of arson and a
76 qualified governmental or volunteer firefighter or other
77 public safety officer dies while performing his or her duty
78 resulting from the arson.

79 (b) A person does not commit murder under ~~subdivisions~~
80 subdivision (a) (1) or (a) (2) ~~of this section~~ if he or she was
81 moved to act by a sudden heat of passion caused by provocation
82 recognized by law, and before there had been a reasonable time
83 for the passion to cool and for reason to reassert itself. The
84 burden of injecting the issue of killing under legal



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85 provocation is on the defendant, but this does not shift the
86 burden of proof. This subsection does not apply to a
87 prosecution for, or preclude a conviction of, manslaughter or
88 other crime.

89 (c) (1) Murder pursuant to subdivision (a) (1), (a) (2),
90 or (a) (4) is a Class A felony; provided, that the punishment
91 for murder or any offense committed under aggravated
92 circumstances by a person 18 years of age or older, as
93 provided by Article 2 of Chapter 5 of this title, is death or
94 life imprisonment without parole, which punishment shall be
95 determined and fixed as provided by Article 2 of Chapter 5 of
96 this title or any amendments thereto. The punishment for
97 murder or any offense committed under aggravated circumstances
98 by a person under ~~the age of~~ 18 years of age, as provided by
99 Article 2 of Chapter 5, is either life imprisonment without
100 parole, or life, which punishment shall be determined and
101 fixed as provided by Article 2 of Chapter 5 ~~of this title or~~
102 ~~any amendments thereto~~ and the applicable Alabama Rules of
103 Criminal Procedure.

104 (2) Murder pursuant to subdivision (a) (3) is a Class B
105 felony.

106 (d) If the defendant is sentenced to life on a capital
107 offense, the defendant ~~must~~ shall serve a minimum of 30 years,
108 day for day, prior to first consideration of parole."

109 Section 2. Although this bill would have as its purpose
110 or effect the requirement of a new or increased expenditure of
111 local funds, the bill is excluded from further requirements
112 and application under Section 111.05 of the Constitution of



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113 Alabama of 2022, because the bill defines a new crime or
114 amends the definition of an existing crime.

115 Section 3. This act shall become effective on October
116 1, 2024.