



House Judiciary Reported Substitute for HB363

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

A BILL
TO BE ENTITLED
AN ACT

Relating to crimes and offenses; to amend Section 13A-6-2, Code of Alabama 1975, and Section 13A-6-3, as last amended by Act 2023-387, 2023 Regular Session, Code of Alabama 1975, to provide that a person commits the crime of murder if he or she commits the crime of driving under the influence in certain circumstances; to provide that a person commits the crime of manslaughter if he or she commits the crime of driving under the influence in certain circumstances; 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.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 13A-6-2, Code of Alabama 1975, and Section 13A-6-3, as last amended by Act 2023-387, 2023 Regular Session, Code of Alabama 1975, are amended to read as follows:

"§13A-6-2

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



House Judiciary Reported Substitute for HB363

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

32 (2) Under circumstances manifesting extreme
33 indifference to human life, he or she recklessly engages in
34 conduct ~~which~~ that creates a grave risk of death to a person
35 other than himself or herself, and ~~thereby~~ causes the death of
36 another person.

37 (3) He or she commits or attempts to commit arson in
38 the first degree, burglary in the first or second degree,
39 escape in the first degree, kidnapping in the first degree,
40 rape in the first degree, robbery in any degree, sodomy in the
41 first degree, aggravated child abuse under Section 26-15-3.1,
42 or any other felony clearly dangerous to human life and, in
43 the course of and in furtherance of the crime that he or she
44 is committing or attempting to commit, or in immediate flight
45 therefrom, he or she, or another participant if there be any,
46 causes the death of any person.

47 (4) He or she commits the crime of arson and a
48 qualified governmental or volunteer firefighter or other
49 public safety officer dies while performing his or her duty
50 resulting from the arson.

51 (5) He or she operates a motor vehicle in violation of
52 Section 32-5A-191, and causes the death of another person when
53 both of the following occur:

54 a. He or she has one or more prior driving under the
55 influence convictions.

56 b. He or she had at least 0.15 percent or more by



House Judiciary Reported Substitute for HB363

57 weight of alcohol in his or her blood while operating or being
58 in actual physical control of a vehicle.

59 (b) A person does not commit murder under subdivisions
60 (a) (1) or (a) (2) ~~of this section~~ if he or she was moved to act
61 by a sudden heat of passion caused by provocation recognized
62 by law, and before there had been a reasonable time for the
63 passion to cool and for reason to reassert itself. The burden
64 of injecting the issue of killing under legal provocation is
65 on the defendant, but this does not shift the burden of proof.
66 This subsection does not apply to a prosecution for, or
67 preclude a conviction of, manslaughter or other crime.

68 (c) Murder is a Class A felony; provided, that the
69 punishment for murder or any offense committed under
70 aggravated circumstances by a person 18 years of age or older,
71 as provided by Article 2 of Chapter 5 of this title, is death
72 or life imprisonment without parole, which punishment shall be
73 determined and fixed as provided by Article 2 of Chapter 5 of
74 this title or any amendments thereto. The punishment for
75 murder or any offense committed under aggravated circumstances
76 by a person under the age of 18 years, as provided by Article
77 2 of Chapter 5, is either life imprisonment without parole, or
78 life, which punishment shall be determined and fixed as
79 provided by Article 2 of Chapter 5 of this title or any
80 amendments thereto and the applicable Alabama Rules of
81 Criminal Procedure.

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



House Judiciary Reported Substitute for HB363

85 "§13A-6-3

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

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

89 (2) Causes the death of another person under
90 circumstances that would constitute murder under Section
91 13A-6-2; except, that he or she causes the death due to a
92 sudden heat of passion caused by provocation recognized by
93 law^r and before a reasonable time for the passion to cool and
94 for reason to reassert itself.

95 (3) Knowingly sells, furnishes, gives away, delivers,
96 or distributes a controlled substance in violation of Section
97 13A-12-211, and the person to whom the controlled substance is
98 sold, furnished, given, delivered, or distributed dies as a
99 proximate result of the use of the controlled substance;
100 provided, nothing in this subdivision shall be construed to
101 apply to a licensed physician engaged in the practice of
102 medicine, a licensed pharmacist engaged in the practice of
103 pharmacy, or a licensed dentist engaged in the practice of
104 dentistry.

105 (4) He or she operates a motor vehicle or vessel in
106 violation of Section 32-5A-191 or 32-5A-191.3, and causes the
107 death of another person with the vehicle or vessel.

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

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



House Judiciary Reported Substitute for HB363

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.