

1 HB263
2 106505-1
3 By Representatives Mask, Gipson, Hill, Baker (L), Curtis,
4 Beech, Beck, Faust, Williams (P), Bentley and Harper
5 RFD: Judiciary
6 First Read: 14-JAN-10

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8 SYNOPSIS: Under existing law, a person commits
9 criminally negligent homicide if the person causes
10 the death of another person by criminal negligence.
11 Criminally negligent homicide is a Class C felony
12 if the homicide is caused by the driver of a motor
13 vehicle while driving under the influence of
14 alcohol or drugs in violation of Section 32-5A-191,
15 Code of Alabama 1975.

16 Also, under Section 32-5A-191.3, Code of
17 Alabama 1975, a person is guilty of operating a
18 vessel and certain other marine devices under the
19 influence of alcohol or drugs if the person
20 operates the vessel or devices under conditions in
21 which the person would be guilty of driving a motor
22 vehicle under the influence. Also, under the
23 Alabama Criminal Code, a "vehicle" is generally
24 defined in subdivision (15) of Section 13A-1-2,
25 Code of Alabama 1975, to include any propelled
26 devices including any vessel.

1 This bill would provide that a person
2 commits criminal negligent homicide if the criminal
3 negligent homicide is caused by the operator of any
4 vehicle while unlawfully driving or operating the
5 vehicle under the influence of alcohol or drugs.

6 Under existing law, a person commits assault
7 in the first degree if the person causes serious
8 bodily injury to another person with a motor
9 vehicle while driving under the influence of
10 alcohol or drugs in violation of Section 32-5A-191.

11 This bill would provide that a person would
12 commit assault in the first degree if the person
13 causes serious physical injury to another person
14 while driving or operating any vehicle while under
15 the influence of alcohol or drugs.

16
17 A BILL
18 TO BE ENTITLED
19 AN ACT

20
21 To amend Sections 13A-6-4 and 13A-6-20 of the Code
22 of Alabama 1975, relating to the offense of criminally
23 negligent homicide and assault in the first degree,
24 respectively, and providing when the offenses are committed by
25 persons unlawfully driving a motor vehicle under the influence
26 of alcohol or drugs; to provide that the offense may be

1 committed by a person while driving or operating any vehicle
2 while unlawfully under the influence of alcohol or drugs.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Sections 13A-6-4 and 13A-6-20 of the Code
5 of Alabama 1975, are amended to read as follows:

6 "§13A-6-4.

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

10 "(b) The jury may consider statutes and ordinances
11 regulating the actor's conduct in determining whether ~~he~~ the
12 actor is culpably negligent under subsection (a) ~~of this~~
13 ~~section~~.

14 "(c) Criminally negligent homicide is a Class A
15 misdemeanor, except in cases in which ~~said~~ the criminally
16 negligent homicide is caused by the driver or operator of a
17 ~~motor~~ vehicle who is driving or operating the vehicle in
18 violation of the provisions of Section 32-5A-191 or Section
19 32-5A-191.3; in ~~such~~ these cases criminally negligent homicide
20 is a Class C felony.

21 "§13A-6-20.

22 "(a) A person commits the crime of assault in the
23 first degree if:

24 "(1) With intent to cause serious physical injury to
25 another person, he or she causes serious physical injury to
26 any person by means of a deadly weapon or a dangerous
27 instrument; or

1 "(2) With intent to disfigure another person
2 seriously and permanently, or to destroy, amputate or disable
3 permanently a member or organ of his or her body, he or she
4 causes such an injury to any person; or

5 "(3) Under circumstances manifesting extreme
6 indifference to the value of human life, he or she recklessly
7 engages in conduct which creates a grave risk of death to
8 another person, and thereby causes serious physical injury to
9 any person; or

10 "(4) In the course of and in furtherance of the
11 commission or attempted commission of arson in the first
12 degree, burglary in the first or second degree, escape in the
13 first degree, kidnapping in the first degree, rape in the
14 first degree, robbery in any degree, sodomy in the first
15 degree or any other felony clearly dangerous to human life, or
16 of immediate flight therefrom, he or she causes a serious
17 physical injury to another person; or

18 "(5) While driving under the influence of alcohol or
19 a controlled substance or any combination thereof in violation
20 of Section 32-5A-191 or Section 32-5A-191.3, he or she causes
21 serious ~~bodily~~ physical injury to the person of another with a
22 ~~motor~~ vehicle.

23 "(b) Assault in the first degree is a Class B
24 felony."

25 Section 2. 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.

