

1 SB286
2 216852-1
3 By Senator Weaver
4 RFD: Judiciary
5 First Read: 01-MAR-22

SYNOPSIS: Under existing common law, a person may be prosecuted for homicide only if the victim dies within one year and a day of the offender's wrongful act.

This bill would provide that a person may be prosecuted for homicide if the offender's wrongful act causes the death of the victim, regardless of the time that has elapsed between the wrongful act and the victim's death.

This bill would also abrogate the common law "year-and-a-day rule."

Amendment 621 of the Constitution of Alabama of 1901, as amended by Amendment 890, now appearing as Section 111.05 of the Official ReCompilation of the Constitution of Alabama of 1901, as amended, 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

1 of specified exceptions; it is approved by the
2 affected entity; or the Legislature appropriates
3 funds, or provides a local source of revenue, to
4 the entity for the purpose.

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

13 A BILL
14 TO BE ENTITLED
15 AN ACT
16

17 Relating to crimes and offenses; to add Section
18 13A-6-5 to the Code of Alabama 1975, to provide that a person
19 may be prosecuted for homicide if the person's wrongful act
20 causes the death of the victim, regardless of the time that
21 has elapsed between the wrongful act and the victim's death;
22 to abrogate the common law "year-and-a-day rule"; and in
23 connection therewith would have as its purpose or effect the
24 requirement of a new or increased expenditure of local funds
25 within the meaning of Amendment 621 of the Constitution of
26 Alabama of 1901, as amended by Amendment 890, now appearing as

1 Section 111.05 of the Official ReCompilation of the
2 Constitution of Alabama of 1901, as amended.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

6 §13A-6-5.

7 (a) A person may be prosecuted for any form of
8 criminal homicide, as defined in Section 13A-6-1, if the
9 person's wrongful act causes the death of another person,
10 regardless of the time that has elapsed between the wrongful
11 act and the victim's death.

12 (b) This act serves to abrogate the common law
13 "year-and-a-day rule," which provides that a person may not be
14 prosecuted for criminal homicide if the victim dies one year
15 and a day after the person's wrongful act.

16 (c) This section shall apply to any act or acts
17 occurring on or after the effective date of this act.

18 Section 2. Although this bill would have as its
19 purpose or effect the requirement of a new or increased
20 expenditure of local funds, the bill is excluded from further
21 requirements and application under Amendment 621, as amended
22 by Amendment 890, now appearing as Section 111.05 of the
23 Official ReCompilation of the Constitution of Alabama of 1901,
24 as amended, because the bill defines a new crime or amends the
25 definition of an existing crime.

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