

## HB82 INTRODUCED



1 KH205U-1  
2 By Representatives Pringle, Underwood, Simpson  
3 RFD: Judiciary  
4 First Read: 07-Mar-23  
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SYNOPSIS:

Under existing law, unlawful distribution of a controlled substance is a Class B felony.

This bill would provide that when a person sells or otherwise distributes a controlled substance in violation of the law and death results from the use of the controlled substance, the person is guilty of manslaughter.

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 within the meaning of the amendment. However, the bill does not require approval of a local governmental entity or enactment by a 2/3 vote to become effective because it comes within one of the specified exceptions contained in the amendment.



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A BILL  
TO BE ENTITLED  
AN ACT

Relating to crimes and offenses; to amend Section 13A-6-3, Code of Alabama 1975, to further provide for the crime of manslaughter; 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-6-3, Code of Alabama 1975, is amended to read as follows:

"§13A-6-3

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

(1) ~~He recklessly~~ Recklessly causes the death of another person, ~~or.~~

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

(3) Sells, furnishes, gives away, delivers, or distributes a controlled substance in violation of Section



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57 13A-12-211, and the person to whom the controlled substance is  
58 sold, furnished, given, delivered, or distributed dies as a  
59 proximate result of the use of the controlled substance;  
60 provided, nothing in this subdivision shall be construed to  
61 apply to a licensed physician engaged in the practice of  
62 medicine, a licensed pharmacist engaged in the practice of  
63 pharmacy, or a licensed dentist engaged in the practice of  
64 dentistry.

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

66 Section 2. Although this bill would have as its purpose  
67 or effect the requirement of a new or increased expenditure of  
68 local funds, the bill is excluded from further requirements  
69 and application under Section 111.05 of the Constitution of  
70 Alabama of 2022, because the bill defines a new crime or  
71 amends the definition of an existing crime.

72 Section 3. This act shall take effect on the first day  
73 of the third month, following its passage and approval by the  
74 Governor, or its otherwise becoming law.