

1 SB32
2 190290-2
3 By Senator Ward
4 RFD: Judiciary
5 First Read: 05-MAR-19
6 PFD: 02/11/2019

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

10
11 Relating to crimes and offenses; to create the J. K.
12 Elrod Act; to provide further for the crime of murder to
13 include distributing a controlled substance to a person that
14 causes the death of the person; to provide certain exemptions;
15 to provide criminal penalties; to provide an enhanced criminal
16 penalty under certain conditions; and in connection therewith
17 would have as its purpose or effect the requirement of a new
18 or increased expenditure of local funds within the meaning of
19 Amendment 621 of the Constitution of Alabama of 1901, now
20 appearing as Section 111.05 of the Official Recompilation of
21 the Constitution of Alabama of 1901, as amended.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. (a) This act shall be known and may be
24 cited as the J. K. Elrod Act.

25 (b) As used in this act, "provides" means to sell,
26 furnish, give away, deliver, or distribute.

1 (c) (1) Except as provided in subdivision (2), a
2 person commits the crime of controlled substance murder if he
3 or she knowingly provides a controlled substance to another
4 person with the intent to cause the death of the person and
5 the controlled substance causes the death of that person or
6 another person.

7 (2) Nothing under this section shall be construed to
8 apply to a licensed physician engaged in the practice of
9 medicine or a licensed dentist engaged in the practice of
10 dentistry, or other licensed healthcare practitioner engaged
11 in his or her respective practice. A practitioner shall
12 include any physician, licensed nurse practitioner, dentist,
13 veterinarian, scientific investigator, or other person
14 licensed, registered, or otherwise permitted to distribute,
15 dispense, conduct research with respect to, or to administer a
16 controlled substance in the course of professional practice or
17 research in this state; or a pharmacy, hospital as defined in
18 Section 22-21-20 (1), Code of Alabama 1975, or other
19 institution licensed, registered, or otherwise permitted to
20 distribute, dispense, conduct research with respect to, or to
21 administer a controlled substance in the course of
22 professional practice or research in this state.

23 (d) (1) A person who commits a violation of this
24 section shall be guilty of a Class B felony.

25 (2) If a person is convicted of violating this
26 section and has a prior conviction for a felony drug offense,

1 the person shall be sentenced to a term of imprisonment of not
2 less than 20 years.

3 Section 2. Although this bill would have as its
4 purpose or effect the requirement of a new or increased
5 expenditure of local funds, the bill is excluded from further
6 requirements and application under Amendment 621, now
7 appearing as Section 111.05 of the Official Recompilation of
8 the Constitution of Alabama of 1901, as amended, because the
9 bill defines a new crime or amends the definition of an
10 existing crime.

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

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Senate

Read for the first time and referred to the Senate committee on Judiciary.....	05-MAR-19
Read for the second time and placed on the calen- dar 2 amendments.....	18-APR-19
Read for the third time and passed as amended	23-MAY-19

Yeas 30
Nays 0

Patrick Harris,
Secretary.