

1 HB220  
2 189599-1  
3 By Representative Pringle  
4 RFD: Judiciary  
5 First Read: 19-MAR-19

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7  
8 SYNOPSIS: Under existing law, unlawful distribution of  
9 a controlled substance is a Class B felony.

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

15 Amendment 621 of the Constitution of Alabama  
16 of 1901, now appearing as Section 111.05 of the  
17 Official Recompilation of the Constitution of  
18 Alabama of 1901, as amended, prohibits a general  
19 law whose purpose or effect would be to require a  
20 new or increased expenditure of local funds from  
21 becoming effective with regard to a local  
22 governmental entity without enactment by a 2/3 vote  
23 unless: it comes within one of a number of  
24 specified exceptions; it is approved by the  
25 affected entity; or the Legislature appropriates  
26 funds, or provides a local source of revenue, to  
27 the entity for the purpose.

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

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9                   A BILL  
10                  TO BE ENTITLED  
11                  AN ACT

12  
13                  Relating to crimes and offenses; to amend Section  
14                  13A-6-3, Code of Alabama 1975, to provide when a person sells  
15                  or otherwise distributes a controlled substance in violation  
16                  of the law and death results from the use of the controlled  
17                  substance, the person is guilty of manslaughter; and in  
18                  connection therewith would have as its purpose or effect the  
19                  requirement of a new or increased expenditure of local funds  
20                  within the meaning of Amendment 621 of the Constitution of  
21                  Alabama of 1901, now appearing as Section 111.05 of the  
22                  Official Recompilation of the Constitution of Alabama of 1901,  
23                  as amended.

24                  BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25                  Section 1. Section 13A-6-3, Code of Alabama 1975, is  
26                  amended to read as follows:

27                  "§13A-6-3.

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

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

5           "(2) ~~He causes~~ Causes the death of another person  
6 under circumstances that would constitute murder under Section  
7 13A-6-2; except, that he or she causes the death due to a  
8 sudden heat of passion caused by provocation recognized by  
9 law, and before a reasonable time for the passion to cool and  
10 for reason to reassert itself.

11           "(3) Sells, furnishes, gives away, delivers, or  
12 distributes a controlled substance in violation of subsection  
13 (a) of Section 13A-12-211, and the person to whom the  
14 controlled substance is sold, furnished, given, delivered, or  
15 distributed dies as a proximate result of the use of the  
16 controlled substance.

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

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, now  
22 appearing as Section 111.05 of the Official Recompilation of  
23 the Constitution of Alabama of 1901, as amended, because the  
24 bill defines a new crime or amends the definition of an  
25 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.