

1 HB330
2 205306-1
3 By Representatives Wadsworth, Fincher, Whorton, Reynolds,
4 Hanes and Pettus
5 RFD: Judiciary
6 First Read: 25-FEB-20

2
3
4
5
6
7
8 SYNOPSIS: Under existing law, a person commits the
9 crime of unlawful distribution of a controlled
10 substance if, except as authorized, he or she
11 sells, furnishes, gives away, delivers, or
12 distributes a controlled substance enumerated in
13 Schedules I through V.

14 This bill would provide that a person
15 commits the crime of drug-induced murder if the
16 person, except as authorizer, knowingly sells,
17 furnishes, gives away, delivers, or distributes a
18 controlled substance enumerated in Schedules I
19 through V to another person and the controlled
20 substance causes the death of that person or
21 another person.

22 This bill would provide an exemption for
23 licensed medical practitioners and other
24 professionals who provide controlled substances in
25 the course of professional practice or research in
26 this state.

1 This bill would provide enhanced criminal
2 penalties for a person with certain prior felony
3 convictions who are subsequently convicted of
4 violations.

5 Amendment 621 of the Constitution of Alabama
6 of 1901, now appearing as Section 111.05 of the
7 Official Recompilation of the Constitution of
8 Alabama of 1901, as amended, prohibits a general
9 law whose purpose or effect would be to require a
10 new or increased expenditure of local funds from
11 becoming effective with regard to a local
12 governmental entity without enactment by a 2/3 vote
13 unless: it comes within one of a number of
14 specified exceptions; it is approved by the
15 affected entity; or the Legislature appropriates
16 funds, or provides a local source of revenue, to
17 the entity for the purpose.

18 The purpose or effect of this bill would be
19 to require a new or increased expenditure of local
20 funds within the meaning of the amendment. However,
21 the bill does not require approval of a local
22 governmental entity or enactment by a 2/3 vote to
23 become effective because it comes within one of the
24 specified exceptions contained in the amendment.

25
26 A BILL
27 TO BE ENTITLED

1 AN ACT

2
3 Relating to crimes and offenses; to create the crime
4 of drug-induced murder to provide certain exemptions; to
5 provide criminal penalties; to provide an enhanced criminal
6 penalty under certain conditions; and in connection therewith
7 would have as its purpose or effect the requirement of a new
8 or increased expenditure of local funds within the meaning of
9 Amendment 621 of the Constitution of Alabama of 1901, now
10 appearing as Section 111.05 of the Official Recompilation of
11 the Constitution of Alabama of 1901, as amended.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. (a) Except as provided in subsection (c),
14 a person commits the crime of drug-induced murder if, except
15 as authorized, he or she knowingly sells, furnishes, gives
16 away, delivers, or distributes a controlled substance
17 enumerated in Schedules I through V to another person and the
18 controlled substance causes the death of that person or
19 another person.

20 (b) Nothing in this section shall be construed to
21 apply to a licensed physician engaged in the practice of
22 medicine or a licensed dentist engaged in the practice of
23 dentistry, or other licensed healthcare practitioner engaged
24 in his or her respective practice. As used in this
25 subdivision, a practitioner includes a physician, licensed
26 nurse practitioner, dentist, veterinarian, scientific
27 investigator, or other person licensed, registered, or

1 otherwise permitted to distribute, dispense, conduct research
2 with respect to, or administer a controlled substance in the
3 course of professional practice or research in this state; or
4 a pharmacy, hospital as defined in Section 22-21-20, Code of
5 Alabama 1975; or other institution licensed, registered, or
6 otherwise permitted to distribute, dispense, conduct research
7 with respect to, or to administer a controlled substance in
8 the course of professional practice or research in this state.

9 (c) (1) A person who commits a violation of this
10 section shall be guilty of a Class B felony.

11 (2) If a person is convicted of violating this
12 section and has a prior conviction for a felony drug offense,
13 the person shall be sentenced to a term of imprisonment of not
14 less than 20 years and a fine of five hundred thousand dollars
15 (\$500,000).

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

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