

1 HB128  
2 173203-1  
3 By Representative Hill (J)  
4 RFD: Judiciary  
5 First Read: 09-FEB-16

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8 SYNOPSIS: Under existing law, a person commits the  
9 crime of murder if he or she commits or attempts to  
10 commit certain felony offenses, and in the course  
11 of and in furtherance of the crime that he or she  
12 is committing or attempting to commit, or in  
13 immediate flight therefrom, he or she or another  
14 participant in the crime causes the death of any  
15 person.

16 This bill would provide that a person  
17 commits the crime of murder if he or she commits or  
18 attempts to commit aggravated child abuse and he or  
19 she causes the death of another person during the  
20 commission or attempt.

21 Amendment 621 of the Constitution of Alabama  
22 of 1901, now appearing as Section 111.05 of the  
23 Official Recompilation of the Constitution of  
24 Alabama of 1901, as amended, prohibits a general  
25 law whose purpose or effect would be to require a  
26 new or increased expenditure of local funds from  
27 becoming effective with regard to a local

1 governmental entity without enactment by a 2/3 vote  
2 unless: it comes within one of a number of  
3 specified exceptions; it is approved by the  
4 affected entity; or the Legislature appropriates  
5 funds, or provides a local source of revenue, to  
6 the entity for the purpose.

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

14  
15 A BILL  
16 TO BE ENTITLED  
17 AN ACT  
18

19 To amend Section 13A-6-2 of the Code of Alabama  
20 1975; to provide that a person commits the crime of murder if  
21 he or she commits or attempts to commit aggravated child abuse  
22 and he or she causes the death of another person during the  
23 commission or attempt; and in connection therewith would have  
24 as its purpose or effect the requirement of a new or increased  
25 expenditure of local funds within the meaning of Amendment 621  
26 of the Constitution of Alabama of 1901, 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-6-2 of the Code of Alabama  
5 1975, is amended to read as follows:

6 "§13A-6-2.

7 "(a) A person commits the crime of murder if he or  
8 she does any of the following:

9 "(1) With intent to cause the death of another  
10 person, he or she causes the death of that person or of  
11 another person.

12 "(2) Under circumstances manifesting extreme  
13 indifference to human life, he or she recklessly engages in  
14 conduct which creates a grave risk of death to a person other  
15 than himself or herself, and thereby causes the death of  
16 another person.

17 "(3) He or she commits or attempts to commit arson  
18 in the first degree, burglary in the first or second degree,  
19 escape in the first degree, kidnapping in the first degree,  
20 rape in the first degree, robbery in any degree, sodomy in the  
21 first degree, aggravated child abuse under Section 26-15-3.1,  
22 or any other felony clearly dangerous to human life and, in  
23 the course of and in furtherance of the crime that he or she  
24 is committing or attempting to commit, or in immediate flight  
25 therefrom, he or she, or another participant if there be any,  
26 causes the death of any person.

1           "(4) He or she commits the crime of arson and a  
2 qualified governmental or volunteer firefighter or other  
3 public safety officer dies while performing his or her duty  
4 resulting from the arson.

5           "(b) A person does not commit murder under  
6 subdivisions (a) (1) or (a) (2) of this section if he or she was  
7 moved to act by a sudden heat of passion caused by provocation  
8 recognized by law, and before there had been a reasonable time  
9 for the passion to cool and for reason to reassert itself. The  
10 burden of injecting the issue of killing under legal  
11 provocation is on the defendant, but this does not shift the  
12 burden of proof. This subsection does not apply to a  
13 prosecution for, or preclude a conviction of, manslaughter or  
14 other crime.

15           "(c) Murder is a Class A felony; provided, that the  
16 punishment for murder or any offense committed under  
17 aggravated circumstances, as provided by Article 2 of Chapter  
18 5 of this title, is death or life imprisonment without parole,  
19 which punishment shall be determined and fixed as provided by  
20 Article 2 of Chapter 5 of this title or any amendments  
21 thereto."

22           Section 2. Although this bill would have as its  
23 purpose or effect the requirement of a new or increased  
24 expenditure of local funds, the bill is excluded from further  
25 requirements and application under Amendment 621, now  
26 appearing as Section 111.05 of the Official Recompilation of  
27 the Constitution of Alabama of 1901, as amended, because the

1 bill defines a new crime or amends the definition of an  
2 existing crime.

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