

1 SB406  
2 167154-1  
3 By Senator Reed  
4 RFD: Judiciary  
5 First Read: 23-APR-15

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8 SYNOPSIS: Under existing law, a person convicted of  
9 certain violations relating to motor vehicle  
10 accidents is guilty of a Class A misdemeanor if the  
11 accident only caused property damage and a Class C  
12 felony if the accident caused death or personal  
13 injury.

14 This bill would revise the penalties to  
15 provide that a person convicted of a violation  
16 relating to motor vehicle accidents would be guilty  
17 of a Class C felony if he or she caused physical  
18 injury and would be guilty of a Class B felony if  
19 he or she caused death or serious physical injury.

20 This bill would also create the crime of  
21 homicide by vehicle or vessel and would provide  
22 criminal penalties.

23 Amendment 621 of the Constitution of Alabama  
24 of 1901, now appearing as Section 111.05 of the  
25 Official Recompilation of the Constitution of  
26 Alabama of 1901, as amended, prohibits a general  
27 law whose purpose or effect would be to require a

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

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

16  
17 A BILL  
18 TO BE ENTITLED  
19 AN ACT  
20

21 Relating to crimes and offenses; to create the crime  
22 of homicide by vessel or vehicle; to provide criminal  
23 penalties; to amend Section 32-10-6, Code of Alabama 1975, to  
24 revise the criminal penalties for persons convicted of certain  
25 violations relating to motor vehicle deaths; and in connection  
26 therewith would have as its purpose or effect the requirement  
27 of a new or increased expenditure of local funds within the

1 meaning of Amendment 621 of the Constitution of Alabama of  
2 1901, now appearing as Section 111.05 of the Official  
3 Recompilation of the Constitution of Alabama of 1901, as  
4 amended.

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

6 Section 1. (a) A person who causes the death of  
7 another person while engaged in the violation of any state law  
8 or municipal ordinance applying to the operation or use of a  
9 vehicle, as defined in Section 32-1-1.1(81), Code of Alabama  
10 1975, or vessel, as defined in Section 33-3-3, Code of Alabama  
11 1975, or to the regulation of traffic or boating, shall be  
12 guilty of homicide when the violation is the proximate cause  
13 of the death. This shall be a strict liability offense.

14 (b) A person convicted of homicide by vehicle or  
15 vessel under subsection (a) shall be fined not less than five  
16 hundred dollars (\$500) nor more than two thousand dollars  
17 (\$2,000), or shall be imprisoned for a term not to exceed  
18 three years, or may be fined and imprisoned.

19 Section 2. Section 32-10-6, Code of Alabama 1975, is  
20 amended to read as follows:

21 "§32-10-6.

22 "(a) Every person convicted of violating Sections  
23 32-10-1 through 32-10-5 or any of the provisions thereof, when  
24 ~~such the~~ violation involved only damage to property, shall be  
25 punished ~~the same as prescribed~~ as provided by law for a Class  
26 A misdemeanor; provided, however, that every person convicted  
27 of violating ~~such these~~ sections, or any provisions thereof,

1 when ~~such~~ the violation involved ~~death or personal~~ physical  
2 injury, shall be punished ~~the same as prescribed~~ as provided  
3 by law for a Class C felony; and every person convicted of  
4 violating the sections, or any provisions thereof, when the  
5 violation involved death or serious physical injury, shall be  
6 punished as provided by law for a Class B felony.

7 "(b) The terms "physical injury" and "serious  
8 physical injury" shall have the same meanings as provided  
9 Section 13A-1-2.

10 "(c) Any conviction, sentence, probation, probation  
11 revocation, pending charge, treatment condition, or any other  
12 proceeding or order issued under this section prior to the  
13 effective date of the act adding this amendatory language  
14 shall continue, remain in place, and is generally saved."

15 Section 3. Although this bill would have as its  
16 purpose or effect the requirement of a new or increased  
17 expenditure of local funds, the bill is excluded from further  
18 requirements and application under Amendment 621, now  
19 appearing as Section 111.05 of the Official Recompilation of  
20 the Constitution of Alabama of 1901, as amended, because the  
21 bill defines a new crime or amends the definition of an  
22 existing crime.

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