

1 SB239
2 148801-1
3 By Senator Bedford
4 RFD: Judiciary
5 First Read: 21-FEB-13

2
3
4
5
6
7
8 SYNOPSIS: Under existing law, a driver of a motor
9 vehicle involved in a motor vehicle accident that
10 results in damage to a motor vehicle or injury to
11 or death of any person is required to report the
12 accident, give information, and render reasonable
13 assistance at the scene of the accident. A person
14 who violates any of the provisions imposing these
15 duties when the violation results in death or
16 personal injury is guilty of a Class C felony.

17 This bill would provide that a driver of a
18 motor vehicle who violates any of the provisions
19 imposing these duties when the violation results in
20 death shall be guilty of a Class B felony.

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 32-10-6, Code of Alabama 1975,
20 providing penalties if a driver of a motor vehicle violates
21 any of the provisions of Sections 32-10-1 to 32-10-5, Code of
22 Alabama 1975, imposing duties upon the driver to report, give
23 information, and render reasonable assistance when involved in
24 a motor vehicle accident; to designate a violation as a Class
25 B felony if the violation involves death; 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. Section 32-10-6, Code of Alabama 1975, is
7 amended to read as follows:

8 "§32-10-6.

9 "Every person convicted of violating Sections
10 32-10-1 through 32-10-5, or any of the provisions thereof,
11 when ~~such~~ the violation involved only damage to property,
12 shall be punished ~~the same as prescribed~~ as provided by law
13 for a Class A misdemeanor; provided, however, that every
14 person convicted of violating ~~such~~ the sections, or any
15 provisions thereof, when ~~such~~ the violation involved ~~death or~~
16 ~~personal~~ physical injury, shall be punished ~~the same as~~
17 ~~prescribed~~ as provided by law for a Class C felony; and every
18 person convicted of violating the sections, or any provisions
19 thereof, when the violation involved death, shall be punished
20 as provided by law for a Class B felony."

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