

1 SB89  
2 155511-2  
3 By Senator Taylor  
4 RFD: Judiciary  
5 First Read: 14-JAN-14  
6 PFD: 01/09/2014

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4 ENGROSSED

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7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

10  
11 To amend Sections 13A-6-4 and 13A-6-20 of the Code  
12 of Alabama 1975, relating to the offense of criminally  
13 negligent homicide and assault in the first degree,  
14 respectively, and providing when the offenses are committed by  
15 persons unlawfully driving a motor vehicle under the influence  
16 of alcohol or drugs; to provide that the offense may be  
17 committed by a person while driving or operating any vehicle  
18 while unlawfully under the influence of alcohol or drugs; and  
19 to repeal Section 32-5A-192, Code of Alabama 1975, providing  
20 for the crime of homicide by vehicle or vessel.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. Sections 13A-6-4 and 13A-6-20 of the Code  
23 of Alabama 1975, are amended to read as follows:

24 "§13A-6-4.

25 "(a) A person commits the crime of criminally  
26 negligent homicide if he or she causes the death of another  
27 person by criminal negligence.

1           "(b) The jury may consider statutes and ordinances  
2 regulating the actor's conduct in determining whether ~~he~~ the  
3 actor is culpably negligent under subsection (a) ~~of this~~  
4 ~~section~~.

5           "(c) Criminally negligent homicide is a Class A  
6 misdemeanor, except in cases in which ~~said~~ the criminally  
7 negligent homicide is caused by the driver or operator of a  
8 ~~motor~~ vehicle who is driving or operating the vehicle in  
9 violation of ~~the provisions of~~ Section 32-5A-191 or  
10 32-5A-191.3; in ~~such~~ these cases, criminally negligent  
11 homicide is a Class C felony.

12           "§13A-6-20.

13           "(a) A person commits the crime of assault in the  
14 first degree if:

15           "(1) With intent to cause serious physical injury to  
16 another person, he or she causes serious physical injury to  
17 any person by means of a deadly weapon or a dangerous  
18 instrument; or

19           "(2) With intent to disfigure another person  
20 seriously and permanently, or to destroy, amputate, or disable  
21 permanently a member or organ of ~~his~~ the body of another  
22 person, he or she causes such an injury to any person; or

23           "(3) Under circumstances manifesting extreme  
24 indifference to the value of human life, he or she recklessly  
25 engages in conduct which creates a grave risk of death to  
26 another person, and thereby causes serious physical injury to  
27 any person; or

1           "(4) In the course of and in furtherance of the  
2 commission or attempted commission of arson in the first  
3 degree, burglary in the first or second degree, escape in the  
4 first degree, kidnapping in the first degree, rape in the  
5 first degree, robbery in any degree, sodomy in the first  
6 degree or any other felony clearly dangerous to human life, or  
7 of immediate flight therefrom, he or she causes a serious  
8 physical injury to another person; or

9           "(5) While driving under the influence of alcohol or  
10 a controlled substance or any combination thereof in violation  
11 of Section 32-5A-191 or 32-5A-191.3, he or she causes serious  
12 ~~bodily~~ physical injury to the person of another with a ~~motor~~  
13 vehicle.

14           "(b) Assault in the first degree is a Class B  
15 felony."

16           Section 2. Section 32-5A-192, Code of Alabama 1975,  
17 is repealed.

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

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Senate

Read for the first time and referred to the Senate  
committee on Judiciary..... 14-JAN-14

Read for the second time and placed on the calen-  
dar..... 15-JAN-14

Read for the third time and passed as amended .... 30-JAN-14

Yeas 18  
Nays 1

Patrick Harris  
Secretary