

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

1 SB89

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4 ENROLLED, An Act,

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

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

19 "§13A-6-4.

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

23 "(b) The jury may consider statutes and ordinances
24 regulating the actor's conduct in determining whether ~~he~~ the

1 actor is culpably negligent under subsection (a) ~~of this~~
2 ~~section.~~

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

10 "§13A-6-20.

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

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

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

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

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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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB89

Senate 30-JAN-14

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris
Secretary

House of Representatives
Amended and passed 03-APR-14

Senate concurred in House amendment 03-APR-14

By: Senator Taylor