

1 SB263
2 190290-1
3 By Senator Ward
4 RFD: Judiciary
5 First Read: 30-JAN-18

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8 SYNOPSIS: Under existing law, the distribution of a
9 controlled substance is a crime.

10 This bill would provide that if a person
11 knowingly sells, furnishes, gives away, delivers,
12 or distributes a controlled substance to another
13 person and the controlled substance causes the
14 death of that person or another person, the person
15 is guilty of murder.

16 This bill would provide an exemption for
17 licensed physicians and pharmacists who provide
18 controlled substances as part of a legal
19 prescription.

20 This bill would provide enhanced criminal
21 penalties for a person with certain prior felony
22 convictions who are subsequently convicted of
23 violations.

24 Amendment 621 of the Constitution of Alabama
25 of 1901, now appearing as Section 111.05 of the
26 Official Recompilation of the Constitution of
27 Alabama of 1901, as amended, prohibits a general

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

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

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18 A BILL
19 TO BE ENTITLED
20 AN ACT
21

22 Relating to crimes and offenses; to create the J. K.
23 Elrod Act; to provide further for the crime of murder to
24 include distributing a controlled substance to a person that
25 causes the death of the person; to provide certain exemptions;
26 to provide criminal penalties; to provide an enhanced criminal
27 penalty under certain conditions; and in connection therewith

1 would have as its purpose or effect the requirement of a new
2 or increased expenditure of local funds within the meaning of
3 Amendment 621 of the Constitution of Alabama of 1901, now
4 appearing as Section 111.05 of the Official Recompilation of
5 the Constitution of Alabama of 1901, as amended.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. (a) This act shall be known and may be
8 cited as the J. K. Elrod Act.

9 (b) As used in this act, "provides" means to sell,
10 furnish, give away, deliver, or distribute.

11 (c) (1) Except as provided in subdivision (2), a
12 person commits the crime of murder if he or she knowingly
13 provides a controlled substance to another person and the
14 controlled substance causes the death of that person or
15 another person.

16 (2) A person who provides a controlled substance to
17 another as part of a legal prescription does not commit a
18 violation of this section if he or she is a licensed physician
19 or a licensed pharmacist.

20 (d) (1) A person who commits a violation of this
21 section shall be guilty of a Class B felony.

22 (2) If a person is convicted of violating this
23 section and has a prior conviction for a felony drug offense,
24 the person shall be sentenced to a term of imprisonment of not
25 less than 20 years.

26 Section 2. Although this bill would have as its
27 purpose or effect the requirement of a new or increased

1 expenditure of local funds, the bill is excluded from further
2 requirements and application under Amendment 621, now
3 appearing as Section 111.05 of the Official Recompilation of
4 the Constitution of Alabama of 1901, as amended, because the
5 bill defines a new crime or amends the definition of an
6 existing crime.

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