

1 SB222
2 80771-1
3 By Senator Sanders
4 RFD: Judiciary
5 First Read: 12-JAN-10

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8 SYNOPSIS: Under existing law, the United States
9 Supreme Court has ruled that the Eighth and
10 Fourteenth Amendments prohibit the imposition of
11 the death penalty on criminal defendants who were
12 under the age of 18 at the time of the commission
13 of the capital offense.

14 This bill would prohibit the imposition of
15 the death penalty for any criminal defendant who
16 was less than 18 years old at the time of the
17 commission of the capital offense.

18
19 A BILL
20 TO BE ENTITLED
21 AN ACT

22
23 Relating to crimes and punishments; to provide an
24 exemption from the death penalty for persons who were less
25 than 18 years old at the time of the commission of the capital
26 offense.

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. The Legislature of Alabama finds and
2 declares all of the following:

3 (1) The death penalty may be imposed on any
4 defendant charged with a capital offense.

5 (2) A minor is defined as any person under the age
6 of 18 years who is prohibited from doing any of the following:

7 a. Possessing a pistol or Bowie knife or other knife
8 of like kind or descriptions, as provided in Section 13A-11-57
9 of the Code of Alabama 1975.

10 b. Working between the hours of 10:00 p.m. and 5:00
11 a.m. on any night preceding a school day while enrolled in a
12 public or private primary or secondary school system, as
13 provided in Section 25-8-36 of the Code of Alabama 1975.

14 c. Working or being employed in various occupations,
15 positions, or places, as provided in Section 25-8-43 of the
16 Code of Alabama 1975.

17 d. Working in part of an establishment where
18 alcoholic beverages are sold, served, or dispensed for
19 consumption on the premises, as provided in Section 25-8-44(b)
20 of the Code of Alabama 1975.

21 e. Working or performing in any establishment nude
22 or nearly nude, as provided in Section 25-8-44(d) of the Code
23 of Alabama 1975.

24 f. Obtaining an abortion without parental consent,
25 as provided in Section 26-21-3 of the Code of Alabama 1975.

26 g. Serving or dispensing alcoholic beverages, as
27 provided in Section 25-8-44(a) of the Code of Alabama 1975.

1 h. Purchasing, using, possessing, or transporting
2 tobacco or tobacco products, as provided in Section 28-1-5 of
3 the Code of Alabama 1975.

4 i. Voting, as provided in Amendment XXVI to the
5 United States Constitution of America.

6 j. Serving on a jury, as provided in Section
7 12-16-60 of the Code of Alabama 1975.

8 k. Entering into binding contracts unless for
9 educational loans for college level education and above, as
10 provided in Section 26-1-5 of the Code of Alabama 1975.

11 Section 2. Notwithstanding any other provision of
12 law to the contrary, the death penalty shall not be imposed
13 upon any person who was a minor at the time of the commission
14 of the capital offense.

15 Section 3. This act shall become effective
16 immediately upon its passage and approval by the Governor, or
17 its otherwise becoming law.