

1 SB196
2 217090-2
3 By Senators Livingston and Givhan (Constitutional Amendment)
4 RFD: Governmental Affairs
5 First Read: 08-FEB-22

1 SB196

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4 ENROLLED, An Act,

5 Proposing an amendment to Amendment 38 of the
6 Constitution of Alabama of 1901, now appearing as Section 124
7 of the Recompilation of the Constitution of Alabama of 1901,
8 as amended; to require the Governor to provide notice to
9 interested parties prior to granting a reprieve or
10 commutation; to provide for the voiding of a reprieve or
11 commutation.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. The following amendment to the
14 Constitution of Alabama of 1901, as amended, is proposed and
15 shall become valid as a part thereof when approved by a
16 majority of the qualified electors voting thereon and in
17 accordance with Sections 284, 285, and 287 of the Constitution
18 of Alabama of 1901, as amended:

19 PROPOSED AMENDMENT

20 (a) (1) The ~~governor shall have power to~~ Governor may
21 grant reprieves and commutations to persons under sentence of
22 death.

23 (2) The power to grant a reprieve or commutation
24 under subdivision (1) shall not be exercised until the
25 Governor has notified the Attorney General and has made

1 reasonable efforts to notify a designated member of the
2 victim's family, whose mailing address, e-mail, and phone
3 number have been provided to the Governor by the Attorney
4 General for this purpose.

5 (3) Failure to provide the required notification
6 under subdivision (2) shall void the reprieve or commutation,
7 and the Attorney General may seek a new execution order from
8 the Alabama Supreme Court as provided under existing law.

9 (b) The legislature shall have power to Legislature
10 may provide for and to regulate the administration of pardons,
11 paroles, remission of fines and forfeitures, and may authorize
12 the courts having criminal jurisdiction to suspend sentence
13 and to order probation.

14 (c) No pardon shall relieve a person from civil and
15 political disabilities unless specifically expressed in the
16 pardon.

17 Section 2. An election upon the proposed amendment
18 shall be held in accordance with Sections 284 and 285 of the
19 Constitution of Alabama of 1901, now appearing as Sections 284
20 and 285 of the Official Recompilation of the Constitution of
21 Alabama of 1901, as amended, and the election laws of this
22 state.

23 Section 3. The appropriate election official shall
24 assign a ballot number for the proposed constitutional
25 amendment on the election ballot and shall set forth the

1 following description of the substance or subject matter of
2 the proposed constitutional amendment:

3 "Proposing an amendment to the Constitution of
4 Alabama of 1901, to require the Governor to provide notice to
5 the Attorney General and to the victim's family prior to
6 granting a reprieve or commutation to a person sentenced to
7 death, and to void the reprieve or commutation if the Governor
8 fails to provide notice.

9 "Proposed by Act _____."

10 This description shall be followed by the following
11 language:

12 "Yes () No ()."

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB196

Senate 16-FEB-22

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

Patrick Harris,
Secretary.

House of Representatives
Passed: 05-APR-22

By: Senator Livingston