

1 SB106
2 185548-1
3 By Senator Sanders
4 RFD: Judiciary
5 First Read: 09-JAN-18

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8 SYNOPSIS: Under existing law, Act 2017-131 of the 2017
9 Regular Session removed the authority of the court
10 to override a jury verdict in a capital case. Act
11 2017-131 specifically provided that the act would
12 not apply retroactively.

13 This bill would specify that Act 2017-131
14 would apply retroactively.

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16 A BILL
17 TO BE ENTITLED
18 AN ACT

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20 Relating to capital cases; to amend Act 2017-131 of
21 the 2017 Regular Session, removing the authority of the court
22 to override a jury verdict, to specify that the act would
23 apply retroactively to defendants sentenced to death when the
24 jury returned a verdict of life without parole.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

26 Section 1. Section 2 of Act 2017-131 of the 2017
27 Regular Session is amended to read as follows:

1 "Section 2. This act shall apply to any defendant
2 who is charged with capital murder after the effective date of
3 this act and shall ~~not~~ apply retroactively to any defendant
4 who has previously been convicted of capital murder and
5 sentenced to death prior to the effective date of this act.
6 Any defendant sentenced to death by the court after the jury
7 returned a verdict of life without parole shall be resentenced
8 to life without parole in accordance with this act."

9 Section 2. This act shall become effective
10 immediately following its passage and approval by the
11 Governor, or its otherwise becoming law.