

1 HB178
2 200317-3
3 By Representatives Robertson, Estes, Stringer, Simpson,
4 Reynolds, Polizos and Ball (Constitutional Amendment)
5 RFD: State Government
6 First Read: 19-MAR-19

1 ENGROSSED

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4 A BILL
5 TO BE ENTITLED
6 AN ACT
7

8 Proposing an amendment to Amendment 38 of the
9 Constitution of Alabama of 1901, now appearing as Section 124
10 of the Official Recompilation of the Constitution of Alabama
11 of 1901, as amended, relating to the authority of the Governor
12 to grant reprieves and commutations to persons under sentence
13 of death; to require the Governor to take reasonable steps to
14 provide notice to certain persons prior to granting a
15 commutation to a person under a sentence of death; and to
16 authorize certain persons to challenge the granting of a
17 commutation upon a violation.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. The following amendment to the
20 Constitution of Alabama of 1901, as amended, is proposed and
21 shall become valid as a part thereof when approved by a
22 majority of the qualified electors voting thereon and in
23 accordance with Sections 284, 285, and 287 of the Constitution
24 of Alabama of 1901, as amended:

25 PROPOSED AMENDMENT

1 "(a) (1) The ~~governor shall have power to~~ Governor
2 may grant reprieves and commutations to persons under sentence
3 of death.

4 "(2) The power to grant a commutation or reprieve
5 under subdivision (1) may not be exercised until the Governor
6 has taken reasonable steps under the circumstances to notify
7 the Attorney General and any members of the victim's family
8 whose contact information is provided to the Governor by the
9 Attorney General for this purpose.

10 "(3) A victim's family member who is entitled to
11 notice under subdivision (2) may challenge a commutation or
12 reprieve as being in violation of this section by filing a
13 civil action in the Circuit Court of Montgomery County within
14 30 days after the Governor grants the commutation or reprieve.
15 If the court finds a violation of subdivision (2), the court
16 shall void the commutation at issue and enjoin the Governor
17 from granting the inmate a commutation or reprieve until the
18 Governor takes reasonable steps to provide the notice required
19 by that subdivision.

20 "(b) The ~~legislature shall have power to~~ Legislature
21 may provide for and to regulate the administration of pardons,
22 paroles, remission of fines, and forfeitures, and may
23 authorize the courts having criminal jurisdiction to suspend a
24 sentence and to order probation.

25 "(c) No pardon shall relieve from civil and
26 political disabilities unless specifically expressed in the
27 pardon."

1 END OF PROPOSED AMENDMENT.

2 Section 2. An election upon the proposed amendment
3 shall be held in accordance with Sections 284 and 285 of the
4 Constitution of Alabama of 1901, now appearing as Sections 284
5 and 285 of the Official Recompilation of the Constitution of
6 Alabama of 1901, as amended, and the election laws of this
7 state.

8 Section 3. The appropriate election official shall
9 assign a ballot number for the proposed constitutional
10 amendment on the election ballot and shall set forth the
11 following description of the substance or subject matter of
12 the proposed constitutional amendment:

13 "Proposing an amendment to Amendment 38 of the
14 Constitution of Alabama of 1901, now appearing as Section 124
15 of the Official Recompilation of the Constitution of Alabama
16 of 1901, as amended, relating to the authority of the Governor
17 to grant reprieves and commutations to persons under sentence
18 of death; to require the Governor to take reasonable steps to
19 provide notice to certain persons prior to granting a
20 commutation to a person under a sentence of death; and to
21 authorize certain persons to challenge the granting of a
22 commutation upon a violation.

23 "Proposed by Act _____."

24 This description shall be followed by the following
25 language:

26 "Yes () No ()."

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on State Government
..... 19-MAR-19

Read for the second time and placed
on the calendar with 1 substitute
and..... 02-MAY-19

Read for the third time and passed
as amended..... 23-MAY-19

Yeas 100, Nays 0, Abstains 1

Jeff Woodard
Clerk