

1 HB282
2 197438-1
3 By Representatives Brown (C), Stringer, Oliver, Robertson,
4 Faust, Easterbrook, Reynolds, Marques, Simpson, Isbell,
5 Lipscomb, Moore (P), Estes, Kiel, Dismukes, Whitt and Sorrells
6 (Constitutional Amendment)
7 RFD: Judiciary
8 First Read: 21-MAR-19

2
3
4
5
6
7
8 SYNOPSIS: The existing Constitution of Alabama of
9 1901, provides that all persons, before conviction,
10 are allowed bail, unless the person is charged with
11 a capital offense and the proof of guilt is evident
12 or the presumption of guilt is great and that
13 excessive bail may not be required in any case.

14 This bill would propose an amendment to the
15 Constitution of Alabama of 1901, that would allow
16 bail, unless a person is charged with a capital
17 offense, an offense punishable by life without
18 parole, or an offense punishable by life
19 imprisonment and proof of guilt is evident or the
20 presumption of guilt is great.

21 The amendment also would allow bail to be
22 denied if no condition of release can reasonably
23 protect the community from risk of physical harm to
24 the accused, the public, or both, ensure the
25 presence of the accused at trial, or ensure the
26 integrity of the judicial process.

1 A BILL
2 TO BE ENTITLED
3 AN ACT
4

5 To propose an amendment to Section 16 of the
6 Constitution of Alabama of 1901, now appearing as Section 16
7 of the Official ReCompilation of the Constitution of Alabama
8 1901, as amended, to provide that all persons charged with a
9 crime, before conviction, be allowed bail by sufficient
10 sureties, unless the person is charged with a capital offense,
11 an offense punishable by life without parole, or an offense
12 punishable by life imprisonment, when the proof is evident or
13 the presumption is great, if no conditions of release can
14 reasonably protect the community from risk of physical harm to
15 the accused, the public, or both, ensure the presence of the
16 accused at trial, or ensure the integrity of the judicial
17 process.

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

26 "Section 16.

1 ~~"That all persons shall, before conviction, be~~
2 ~~bailable by sufficient sureties, except for~~ Every person
3 charged with a crime may be entitled to pretrial bail on
4 reasonable conditions, unless charged with a capital offenses
5 offense or an offense punishable by life without parole or
6 life imprisonment, when the proof is evident or the
7 presumption great. If no condition of release can reasonably
8 protect the community from risk of physical harm to the
9 accused, the public, or both, ensure the presence of the
10 accused at trial, or ensure the integrity of the judicial
11 process, the accused may be detained without bail.; ~~and that~~
12 ~~excessive~~ Excessive bail shall not in any case be imposed or
13 required."

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

20 Section 3. The appropriate election official shall
21 assign a ballot number for the proposed constitutional
22 amendment on the election ballot and shall set forth the
23 following description of the substance or subject matter of
24 the proposed constitutional amendment:

25 "Proposing an amendment to the Constitution of
26 Alabama of 1901, to provide that all persons charged with a
27 crime, before conviction, be allowed bail, unless the person

1 is charged with a capital offense or offense punishable by
2 life imprisonment or life without parole, when the proof of
3 guilt is evident or the presumption of guilt is great and to
4 allow the denial of bail if no condition of release can
5 reasonably protect the community from risk of physical harm to
6 the accused, the public, or both, ensure the presence of the
7 accused at trial, or ensure the integrity of the judicial
8 process."

9 "Proposed by Act _____."

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

12 "Yes () No ()."