

1 HB81
2 203879-5
3 By Representatives Brown (C), Stringer, Treadaway, Lovvorn,
4 Simpson, Stadthagen, Farley, Standridge, Wadsworth, Wilcox,
5 Fincher, Whitt, Sanderford, Smith, Sorrells, Marques, Allen,
6 Kitchens, Shedd, Weaver and Estes (Constitutional Amendment)
7 RFD: Judiciary
8 First Read: 04-FEB-20
9 PFD: 02/03/2020

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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. The
13 Constitution also provides that excessive bail may
14 not be required in any case.

15 To propose an amendment to Section 16 of the
16 Constitution of Alabama of 1901, now appearing as
17 Section 16 of the Official ReCompilation of the
18 Constitution of Alabama 1901, as amended, to
19 provide that every person charged with a crime,
20 before conviction, be allowed bail by sufficient
21 sureties, unless the person is charged with a Class
22 A felony, when the proof is evident or the
23 presumption is great, if no condition of release
24 can reasonably protect the community from risk of
25 physical harm to the accused, the public, or both,
26 or ensure the presence of the accused at trial.

1 A BILL
2 TO BE ENTITLED
3 AN ACT
4

5 To create Aniah's Law, to propose an amendment to
6 Section 16 of the Constitution of Alabama of 1901, now
7 appearing as Section 16 of the Official Recompilation of the
8 Constitution of Alabama 1901, as amended, to provide that
9 every person charged with a crime, before conviction, be
10 allowed bail by sufficient sureties, unless the person is
11 charged with a Class A felony, when the proof is evident or
12 the presumption is great, if no conditions of release can
13 reasonably protect the community from risk of physical harm to
14 the accused, the public, or both, or ensure the presence of
15 the accused at trial.

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

17 Section 1. This amendment shall be known and may be
18 cited as Aniah's Law.

19 Section 2. 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 ~~capital offenses~~
3 Class A felonies listed in Chapter 6 of Title 13A, when the
4 proof is evident or the presumption great; ~~and that excessive.~~
5 If no condition of release can reasonably protect the
6 community from risk of physical harm to the accused, the
7 public, or both, or ensure the presence of the accused at
8 trial, the accused may be detained without bail. Excessive
9 bail shall not in any case be imposed or required."

10 Section 3. An election upon the proposed amendment
11 shall be held in accordance with Sections 284 and 285 of the
12 Constitution of Alabama of 1901, now appearing as Sections 284
13 and 285 of the Official Recompilation of the Constitution of
14 Alabama of 1901, as amended, and the election laws of this
15 state.

16 Section 4. The appropriate election official shall
17 assign a ballot number for the proposed constitutional
18 amendment on the election ballot and shall set forth the
19 following description of the substance or subject matter of
20 the proposed constitutional amendment:

21 "Proposing an amendment to the Constitution of
22 Alabama of 1901, to provide that all persons charged with a
23 crime, before conviction, be allowed bail, unless the person
24 is charged with a Class A felony offense listed in Chapter 6
25 or Title 13A, when the proof of guilt is evident or the
26 presumption of guilt is great and to allow the denial of bail
27 if no condition of release can reasonably protect the

1 community from risk of physical harm to the accused, the
2 public, or both, or ensure the presence of the accused at
3 trial."

4 "Proposed by Act _____."

5 This description shall be followed by the following
6 language:

7 "Yes () No ()."