

1 SB329
2 210848-1
3 By Senator Barfoot
4 RFD: Judiciary
5 First Read: 11-MAR-21

SYNOPSIS: Under existing law, a defendant may not be admitted to bail if the defendant is charged with an offense which may be punished by death or if the defendant is charged with a personal injury to another which is likely to produce death.

This bill would prohibit a defendant, regardless of age, from being admitted to bail when the person has been charged with capital murder.

A BILL
TO BE ENTITLED
AN ACT

Relating to bail; to amend Section 15-13-3, Code of Alabama 1975; to prohibit certain defendants from being admitted to bail..

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 15-13-3, Code of Alabama 1975, is amended to read as follows:

"§15-13-3.

1 (a) ~~Regardless of age, a~~ defendant cannot be
2 admitted to bail when he or she is charged with ~~an offense~~
3 ~~which may be punished by death if the court is of the opinion,~~
4 ~~on the evidence adduced, that he is guilty of the offense in~~
5 ~~the degree punishable capitally~~ capital murder, nor when he or
6 she is charged with a personal injury to another which is
7 likely to produce death and which was committed under
8 circumstances ~~such as would~~ that, if death arises from such
9 injury, would constitute capital murder ~~an offense which may~~
10 ~~be punished by death.~~

11 (b) (1) ~~In~~ Notwithstanding subsection (a), in capital
12 murder cases ~~punishable capitally~~, the defendant is entitled
13 to bail as a matter of right when the state, after the finding
14 of the indictment, has continued the case twice, without his
15 or her consent, for the testimony of absent witnesses.

16 (2) In such case, if the indictment is dismissed,
17 the defendant, on application for bail, is entitled to the
18 benefit of any continuance had upon such indictment by the
19 state for absent witnesses; and, if another indictment is not
20 found at the same court at which the former is dismissed, the
21 order of dismissal is to be taken as a continuance by the
22 state for absent witnesses.

23 Section 2. This act shall become effective on the
24 first day of the third month following its passage and
25 approval by the Governor, or its otherwise becoming law.