

1 HB115
2 164245-1
3 By Representative McClammy
4 RFD: Judiciary
5 First Read: 03-MAR-15

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8 SYNOPSIS: Under Article VIII of the Constitution of
9 Alabama of 1901, now appearing as Article VIII,
10 Section 177 of the Official ReCompilation of the
11 Constitution of Alabama of 1901, as amended, a
12 citizen loses the right to vote if convicted of a
13 felony involving moral turpitude.

14 This bill would create the Definition of
15 Moral Turpitude Act.

16 This bill would provide for legislative
17 findings and purposes and would provide a
18 definition of moral turpitude that lists the crimes
19 which disqualify otherwise eligible citizens from
20 voting.

21
22 A BILL
23 TO BE ENTITLED
24 AN ACT

25
26 To create the Definition of Moral Turpitude Act; to
27 provide for legislative findings and purposes; and to provide

1 further for Chapter 3 of Title 17 of the Code of Alabama 1975,
2 by adding a new Section 17-3-30.1 to list the offenses that
3 constitute a felony involving moral turpitude.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. This act shall be known and may cited as
6 the Definition of Moral Turpitude Act.

7 Section 2. (a) The Legislature finds that:

8 (1) Article VIII of the Constitution of Alabama of
9 1901, now appearing as Article VIII, Section 177 of the
10 Official Recompilation of the Constitution of Alabama of 1901,
11 as amended, provides that Alabama citizens shall lose the
12 right to vote because of a criminal conviction only if the
13 conviction was for a "felony involving moral turpitude."

14 (2) Under current Alabama felony disenfranchisement
15 law, there is no comprehensive list of disqualifying felonies.
16 Neither individuals with felony convictions, nor elections
17 officials, have any authoritative source for determining which
18 convictions result in disenfranchisement.

19 (3) In the absence of an authoritative list of
20 disqualifying offenses, many eligible Alabama citizens have
21 been unlawfully excluded from the franchise. It is now widely
22 documented that many county registrars have denied voting
23 rights to all otherwise-eligible voters with a felony
24 conviction, whether or not the conviction involved moral
25 turpitude.

26 (4) In 2006, the Circuit Court of Jefferson County,
27 Alabama, ruled that Alabama's practices violate the United

1 States Constitution as well as the Alabama Constitution by
2 relying on a vague standard for denying voting rights. The
3 circuit court called on the Legislature to remedy those
4 violations by precisely defining which crimes disqualify
5 otherwise-eligible citizens from voting.

6 (b) The purposes of this act are:

7 (1) To give full effect to Article VIII of the
8 Constitution of Alabama of 1901, now appearing as Article
9 VIII, Section 177 of the Official Recompilation of the
10 Constitution of Alabama of 1901, as amended.

11 (2) To remedy ongoing constitutional violations
12 under current law.

13 (3) To ensure that no one is wrongfully excluded
14 from the franchise.

15 Section 3. Section 17-3-30.1 is added to Chapter 3,
16 Title 17, Code of Alabama 1975, to read as follows:

17 §17-3-30.1.

18 For purposes of Article VIII of the Constitution of
19 Alabama of 1901, now appearing as Article VIII, Section 177 of
20 the Official Recompilation of the Constitution of Alabama of
21 1901, as amended, a person is disqualified to vote by reason
22 of conviction of a "felony involving moral turpitude" which
23 includes only the following offenses committed in a degree
24 constituting a felony:

25 Code Section

Common Name

1	Title 14, Section 314,	
2	Code of Alabama 1940	MURDER CAPITAL (OLD CODE)
3	13A-5-40 (a) (1)	MURDER CAPITAL - KIDNAP
4	13A-5-40 (a) (10)	MURDER CAPITAL - TWO OR MORE PER
5	13A-5-40 (a) (11)	MURDER CAPITAL - PUBLIC OFFICIAL
6	13A-5-40 (a) (12)	MURDER CAPITAL - AIRPLANE HIJACK
7	13A-5-40 (a) (13)	MURDER CAPITAL - 20YR PRIOR CON
8	13A-5-40 (a) (14)	MURDER CAPITAL - WITNESS
9	13A-5-40 (a) (15)	MURDER CAPITAL - UNDER 14 YEARS
10	13A-5-40 (a) (16)	MURDER CAPITAL - DWELL FR OUTSIDE
11	13A-5-40 (a) (17)	MURDER CAPITAL - VEH FR OUTSIDE
12	13A-5-40 (a) (18)	MURDER CAPITAL - FIRED FROM VEHICLE
13	13A-5-40 (a) 2)	MURDER CAPITAL - ROBBERY
14	13A-5-40 (a) (3)	MURDER CAPITAL - RAPE/SODOMY
15	13A-5-40 (a) (4)	MURDER CAPITAL - BURGLARY
16	13A-5-40 (a) (5)	MURDER CAPITAL - LAW OFF/GUARD
17	13A-5-40 (a) (6)	MURDER CAPITAL - LIFE SENTENCE
18	13A-5-40 (a) 7)	MURDER CAPITAL - FOR HIRE
19	13A-5-40 (a) (8)	MURDER CAPITAL - SEXUAL ABUSE
20	13A-5-40 (a) (9)	MURDER CAPITAL - ARSON
21	13A-6-2	MURDER
22	13A-6-2 (a) (2)	MURDER - RECKLESS/VEHICLE

1	13A-6-2 (a) (3)	FELONY MURDER
2	13A-6-3	MANSLAUGHTER
3	13A-6-20	ASSAULT 1ST DEGREE
4	13A-6-20 (a) 5	ASSAULT 1ST DEGREE (LIQUOR)
5	13A-6-21	ASSAULT 2ND DEGREE
6	13A-6-61	RAPE 1ST DEGREE
7	13A-6-62	RAPE 2ND DEGREE
8	13A-6-63	SODOMY 1ST DEGREE
9	13A-6-64	SODOMY 2ND DEGREE
10	13A-6-65.1	SEXUAL TORTURE/ABUSE
11	13A-6-66	SEXUAL ABUSE 1ST
12	13A-6-67	SEXUAL ABUSE 2ND DEGREE
13	13A-6-69	ENTICING CHILD TO ENTER
14	13A-6-69.1	SEX ABUSE - CHILD LESS 12 YOA
15	13A-6-110	SOLICITATION OF CHILD BY COMPU
16	13A-7-5	BURGLARY 1ST DEGREE
17	13A-7-6	BURGLARY 2ND DEGREE
18	13A-7-7	BURGLARY 3RD DEGREE
19	13A-8-3	TOP1 - SHOPLIFTING
20	13A-8-3	THEFT BY DECEPT 1ST
21	13A-8-3	THEFT OF PROP 1ST
22	13A-8-3	THEFT 1ST DEG - CHARITABLE ORG

1	13A-8-4	TOP2 - SHOPLIFTING
2	13A-8-4	THEFT/DECEPTION 2ND
3	13A-8-4	THEFT OF PROP 2ND
4	13A-8-4	THEFT 2ND DEG - CHARITABLE ORG
5	13A-8-7	THEFT LOST PRY 1ST
6	13A-8-8	THEFT LOST PRY 2ND
7	13A-8-10.4	THEFT TRADE SECRET/TRADMARK
8	13A-8-10.4	THEFT TRADE SECRET/TRADMARK
9	13A-8-41	ROBBERY 1ST
10	13A-8-42	ROBBERY 2ND
11	13A-8-43	ROBBERY 3RD
12	13A-9-2	FORGERY 1ST
13	13A-9-3	FORGERY 2ND
14	13A-11-2	TREASON
15	13A-12-191	PORN OBSCENE MATTER DISPLAY MI
16	13A-12-192 (a)	PORN INTENT TO DISTRIBUTE
17	13A-12-192 (b)	PORN POSS MATERIAL MINORS
18	13A-12-196	PORN PARENT/MINORS IN SEX
19	13A-12-197	PORN-PRODUCING W/MINORS
20	13A-12-200.2 (1)	OBSCENE MATERIAL-DIST/POSS
21	13A-12-200.2 (2)	OBSCENE MATERIAL-DIST/POSS WHO
22	13A-12-200.2 (3)	OBSCENE MATERIAL-PRODUCE

1	13A-12-211	UNLAW DISTRIB/FURN CONT SUBST
2	13A-12-211	SALE COCAINE
3	13A-12-211	SALE MARIJUANA
4	13A-12-213	POSS MARIJUANA 1ST
5	13A-13-001	BIGAMY
6	13A-13-003	INCEST

7 Section 4. This act shall become effective on the
8 first day of the third month following its passage and
9 approval by the Governor, or its otherwise becoming law.