

1 HB344  
2 165578-2  
3 By Representative Jones  
4 RFD: Judiciary  
5 First Read: 19-MAR-15



1 right to vote when convicted of a crime only if the conviction  
2 was for a felony involving moral turpitude.

3 b. Under general law, there is no comprehensive list  
4 of felonies that involve moral turpitude. Neither individuals  
5 with felony convictions nor election officials have a  
6 comprehensive, authoritative source for determining if a  
7 felony conviction involves moral turpitude and is therefore a  
8 disqualifying felony.

9 (2) The purposes of this section are:

10 a. To give full effect to Article VIII of the  
11 Constitution of Alabama of 1901, now appearing as Section 177  
12 of Article VIII of the Official Recompilation of the  
13 Constitution of Alabama of 1901, as amended.

14 b. To ensure that no one is wrongly excluded from  
15 the franchise.

16 (c) For purposes of Article VIII of the Constitution  
17 of Alabama of 1901, now appearing as Section 177 of Article  
18 VIII of the Official Recompilation of the Constitution of  
19 Alabama of 1901, as amended, a person is disqualified to vote  
20 by reason of conviction of a felony involving moral turpitude  
21 only when convicted of any of the following offenses in a  
22 degree constituting a felony:

23 (1) Murder as defined in the following sections:

24 a. Subdivision (1) of subsection (a) of Section  
25 13A-5-40, Code of Alabama 1975.

26 b. Subdivision (2) of subsection (a) of Section  
27 13A-5-40, Code of Alabama 1975.

1                   c. Subdivision (3) of subsection (a) of Section  
2   13A-5-40, Code of Alabama 1975.

3                   d. Subdivision (4) of subsection (a) of Section  
4   13A-5-40, Code of Alabama 1975.

5                   e. Subdivision (5) of subsection (a) of Section  
6   13A-5-40, Code of Alabama 1975.

7                   f. Subdivision (6) of subsection (a) of Section  
8   13A-5-40, Code of Alabama 1975.

9                   g. Subdivision (7) of subsection (a) of Section  
10  13A-5-40, Code of Alabama 1975.

11                  h. Subdivision (8) of subsection (a) of Section  
12  13A-5-40, Code of Alabama 1975.

13                  i. Subdivision (9) of subsection (a) of Section  
14  13A-5-40, Code of Alabama 1975.

15                  j. Subdivision (10) of subsection (a) of Section  
16  13A-5-40, Code of Alabama 1975.

17                  k. Subdivision (11) of subsection (a) of Section  
18  13A-5-40, Code of Alabama 1975.

19                  l. Subdivision (12) of subsection (a) of Section  
20  13A-5-40, Code of Alabama 1975.

21                  m. Subdivision (13) of subsection (a) of Section  
22  13A-5-40, Code of Alabama 1975.

23                  n. Subdivision (14) of subsection (a) of Section  
24  13A-5-40, Code of Alabama 1975.

25                  o. Subdivision (15) of subsection (a) of Section  
26  13A-5-40, Code of Alabama 1975.

1 p. Subdivision (16) of subsection (a) of Section  
2 13A-5-40, Code of Alabama 1975.

3 q. Subdivision (17) of subsection (a) of Section  
4 13A-5-40, Code of Alabama 1975.

5 r. Subdivision (18) of subsection (a) of Section  
6 13A-5-40, Code of Alabama 1975.

7 s. Subdivision (19) of subsection (a) of Section  
8 13A-5-40, Code of Alabama 1975.

9 t. Section 13A-6-2, Code of Alabama 1975.

10 (2) Manslaughter as defined in Section 13A-6-3, Code  
11 of Alabama 1975.

12 (3) Assault as defined in Sections 13A-6-20 and  
13 13A-6-21, Code of Alabama 1975.

14 (4) Rape as defined in Sections 13A-6-61 and  
15 13A-6-62, Code of Alabama 1975.

16 (5) Sodomy as defined in Sections 13A-6-63 and  
17 13A-6-64, Code of Alabama 1975.

18 (6) Sexual torture as defined in Section 13A-6-65.1,  
19 Code of Alabama 1975.

20 (7) Sexual abuse as defined in Sections 13A-6-66,  
21 13A-6-67, and 13A-6-69.1, Code of Alabama 1975.

22 (8) Enticing a child to enter a vehicle for immoral  
23 purposes as defined in Section 13A-6-69, Code of Alabama 1975.

24 (9) Soliciting a child by computer as defined in  
25 Section 13A-6-110, Code of Alabama 1975.

26 (10) Burglary as defined in Sections 13A-7-5 and  
27 13A-7-6, Code of Alabama 1975.

1                   (11) Theft of property as defined in Sections  
2                   13A-8-3 and 13A-8-4, Code of Alabama 1975.

3                   (12) Theft of lost property as defined in Sections  
4                   13A-8-7 and 13A-8-8, Code of Alabama 1975.

5                   (13) Theft of trademarks or trade secrets as defined  
6                   in Section 13A-8-10.4, Code of Alabama 1975.

7                   (14) Robbery as defined in Sections 13A-8-41,  
8                   13A-8-42, and 13A-8-43, Code of Alabama 1975.

9                   (15) Forgery as defined in Sections 13A-9-2 and  
10                   13A-9-3, Code of Alabama 1975.

11                   (16) Treason as defined in Sections 13A-11-2, Code  
12                   of Alabama 1975.

13                   (17) Dissemination or public display of obscene  
14                   matter containing visual depiction of persons under 17 years  
15                   of age involved in obscene acts as defined in Section  
16                   13A-12-191, Code of Alabama 1975.

17                   (18) Possession and possession with intent to  
18                   disseminate obscene matter containing visual depiction of  
19                   persons under 17 years of age involved in obscene acts as  
20                   defined in Section 13A-12-192, Code of Alabama 1975.

21                   (19) Parents or guardians permitting children to  
22                   engage in production of obscene matter as defined in Section  
23                   13A-12-196, Code of Alabama 1975.

24                   (20) Production of obscene matter containing visual  
25                   depiction of persons under 17 years of age involved in obscene  
26                   acts as defined in Section 13A-12-197, Code of Alabama 1975.

1           (21) Distribution, possession with intent to  
2 distribute, production of obscene material, or offer or  
3 agreement to distribute or produce, as defined in Section  
4 13A-12-200.2, Code of Alabama 1975.

5           (22) Unlawful distribution of controlled substances  
6 as defined in Section 13A-12-211, Code of Alabama 1975.

7           (23) Possession with intent to distribute a  
8 controlled substance as defined in Section 13A-12-211, Code of  
9 Alabama 1975.

10          (24) Bigamy as defined in Section 13A-13-1, Code of  
11 Alabama 1975.

12          (25) Incest as defined in Section 13A-13-3, Code of  
13 Alabama 1975.

14          (26) Human trafficking as defined in Sections  
15 13A-6-152 and 13A-6-153, Code of Alabama 1975.

16          (27) Terrorism as defined in Section 13A-10-152,  
17 Code of Alabama 1975.

18          (28) Soliciting or providing support for an act of  
19 terrorism as defined in Section 13A-10-153, Code of Alabama  
20 1975.

21          (29) Hindering prosecution of terrorism as defined  
22 in Section 13A-10-154, Code of Alabama 1975.

23          (30) Endangering the water supply as defined in  
24 Section 13A-10-171, Code of Alabama 1975.

25          (31) Possession, manufacture, transport, or  
26 distribution of a destructive device or bacteriological or

1 biological weapon as defined in Section 13A-10-193, Code of  
2 Alabama 1975.

3 (32) Selling, furnishing, giving away, delivering,  
4 or distribution of a destructive device, a bacteriological  
5 weapon, or biological weapon to a person who is less than 21  
6 years of age as defined in Section 13A-10-194, Code of Alabama  
7 1975.

8 (33) Possession, manufacture, transport, or  
9 distribution of a detonator, explosive, poison, or hoax device  
10 as defined in Section 13A-10-195, Code of Alabama 1975.

11 (34) Possession or distribution of a hoax device  
12 represented as a destructive device or weapon as defined in  
13 subsection (c) of Section 13A-10-196, Code of Alabama 1975.

14 (35) Attempt to commit an explosives or destructive  
15 device or bacteriological or biological weapons crime as  
16 defined in Section 13A-10-197, Code of Alabama 1975.

17 (36) Conspiracy to commit an explosives or  
18 destructive device or bacteriological or biological weapons  
19 crime as defined in Section 13A-10-198, Code of Alabama 1975.

20 (37) Hinderance or obstruction during detection,  
21 disarming, or destruction of a destructive device or weapon as  
22 defined in Section 13A-10-199, Code of Alabama 1975.

23 (38) Possession or distribution of a destructive  
24 device or weapon intended to cause injury or destruction as  
25 defined in Section 13A-10-200, Code of Alabama 1975.



1           (39) Torture or other willful maltreatment of a  
2 child under the age of 18 as defined in Section 26-15-3, Code  
3 of Alabama 1975.

4           (40) Prohibited acts in the offer, sale or purchase  
5 of securities as defined in Section 8-6-17, Code of Alabama  
6 1975.

7           (41) Any crime as defined by the laws of the United  
8 States or by the laws of another state, territory, country, or  
9 other jurisdiction, which, if committed in this state, would  
10 constitute one of the offenses listed in this subsection.

11           Section 2. Sections 17-4-3 and 17-4-4 of the Code of  
12 Alabama 1975, are amended to read as follows:

13           "§17-4-3.

14           "(a) Each county board of registrars shall purge the  
15 computerized statewide voter registration list on a continuous  
16 basis, whenever it receives and confirms information that a  
17 person registered to vote in that county has died, become a  
18 nonresident of the state or county, been declared mentally  
19 incompetent, been convicted of any offense ~~mentioned in~~  
20 designated pursuant to Section 17-3-30.1 as a felony involving  
21 moral turpitude for the purposes of Article VIII of the  
22 Constitution of Alabama of 1901 since being registered, or  
23 otherwise become disqualified as an elector. ~~A~~ Except as  
24 provided below, a person convicted of a disqualifying criminal  
25 offense ~~must~~ shall be notified by certified mail sent to the  
26 voter's last known address of the board's intention to strike  
27 his or her name from the list. No person convicted of a

1 disqualifying crime may be stricken from the poll list while  
2 an appeal from the conviction is pending.

3 "(b) On the date set in the notice, or at a later  
4 date to which the case may have been continued by the board,  
5 the board shall proceed to consider the case of the elector  
6 whose name it proposes to strike from the registration list  
7 and make its determination. Any person whose name is stricken  
8 from the list may appeal from the decision of the board  
9 without giving security for costs, and the board shall  
10 forthwith certify the proceedings to the judge of probate who  
11 shall docket the case in the probate court.

12 "(c) An appeal from the judge of probate shall be as  
13 appeals set forth in Section 17-3-55.

14 "(d) In the event the Board of Pardons and Paroles  
15 is supervising a person convicted of a disqualifying criminal  
16 offense on probation or parole, and the person has received  
17 face-to-face counseling from the supervising officer regarding  
18 voter disqualification and executed documentation explaining  
19 the loss and restoration of civil and political rights, upon  
20 receipt of the documentation, signed by the disqualified  
21 elector, the county board of registrars shall be exempt from  
22 providing notice as otherwise required by this section. The  
23 document administered by the Board of Pardons and Paroles and  
24 to be signed by the disqualified elector shall contain the  
25 following statement: Any person convicted of a disqualifying  
26 felony loses his or her civil and political rights, which  
27 includes the right to vote and the right to hold public

1 office. Restoration of these rights may be applied for through  
2 the Central Montgomery Office of the Board of Pardons and  
3 Paroles, but only upon completion of the requirements of  
4 Section 15-22-36.1, Code of Alabama 1975.

5 "(e) The Board of Pardons and Paroles shall provide  
6 signed documentation to county boards of registrars to  
7 indicate those persons under probation or parole supervision  
8 with the board who have been convicted of a disqualifying  
9 criminal offense and been counseled regarding voter  
10 disqualification and the restoration of civil and political  
11 rights, and may otherwise share privileged records and files  
12 with county boards of registrars for the limited purpose of  
13 implementing the requirements of this section.

14 "(f) When the board has sufficient evidence  
15 furnished it that any elector has permanently moved from one  
16 precinct to another within the county, it shall change the  
17 elector's precinct designation in the voter registration list,  
18 and shall give notice by mail to the elector of the precinct  
19 in which the elector is registered to vote.

20 "(g) The Secretary of State and the Board of Pardons  
21 and Paroles may promulgate rules in accordance with the  
22 Alabama Administrative Procedure Act as necessary to implement  
23 this section.

24 "§17-4-4.

25 "(a) In addition to all other duties now required by  
26 law, the Office of Vital Statistics of the State Department of  
27 Public Health shall furnish to the board of registrars of the

1 county in which such district is located, once each month, a  
2 report of the death of all persons over 18 years of age who  
3 resided in such registration district.

4 "(b) In addition to all other duties now required by  
5 law, the judges of probate of the several counties of this  
6 state shall furnish to the board of registrars of their  
7 respective counties, once each month, a list of all residents  
8 of the county, 18 years of age or over, who have been declared  
9 mentally incompetent.

10 "(c) In addition to all other duties required by  
11 law, the clerks of the circuit and district courts of this  
12 state shall furnish to the board of registrars of each county,  
13 once each month, a list of all residents of that county who  
14 have been convicted of any offense ~~mentioned in~~ designated  
15 pursuant to Section 17-3-30.1 as a felony involving moral  
16 turpitude for the purposes of Article VIII of the Constitution  
17 of Alabama of 1901. Any person who willfully fails to perform  
18 such duties shall forfeit the sum of one hundred dollars  
19 (\$100) for each such failure. Such sum may be recovered in an  
20 action by law by any citizen of the county in which the  
21 officer acts, one half to his or her own use and one half to  
22 the use of the state.

23 "(d) The Secretary of State and the Board of Pardons  
24 and Paroles may promulgate rules in accordance with the  
25 Alabama Administrative Procedure Act as necessary to implement  
26 this section."

1                   Section 3. This act may be known and cited as the  
2 Kennedy-McClammy Act.

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17

House of Representatives

Read for the first time and re-  
ferred to the House of Representa-  
tives committee on Judiciary ..... 19-MAR-15

Read for the second time and placed  
on the calendar 2 amendments ..... 02-APR-15

Read for the third time and passed  
as amended..... 21-APR-15

Yeas 99, Nays 1, Abstains 1

Jeff Woodard  
Clerk