

1 SB253
2 155796-2
3 By Senators Marsh and Brewbaker (Constitutional Amendment)
4 RFD: Constitution, Campaign Finance, Ethics, and Elections
5 First Read: 21-JAN-14

1 SB253

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 To repeal existing Article VII of the Constitution
12 of Alabama of 1901, relating to impeachments, and to add a new
13 Article VII, relating to impeachments.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. The following amendment to the
16 Constitution of Alabama of 1901, as amended, is proposed and
17 shall become valid as a part thereof when approved by a
18 majority of the qualified electors voting thereon and in
19 accordance with Sections 284, 285, and 287 of the Constitution
20 of Alabama of 1901, as amended:

21 PROPOSED AMENDMENT

22 I. Article VII of the Constitution of Alabama of
23 1901, is repealed.

24 II. Article VII is added to the Constitution of
25 Alabama of 1901, to read as follows:

26 Article VII. Impeachments.

1 Section 173.

2 (a) The Governor, Lieutenant Governor, Attorney
3 General, State Auditor, Secretary of State, State Treasurer,
4 members of the State Board of Education, Commissioner of
5 Agriculture and Industries, and justices of the supreme court
6 may be removed from office for willful neglect of duty,
7 corruption in office, incompetency, or intemperance in the use
8 of intoxicating liquors or narcotics to such an extent, in
9 view of the dignity of the office and importance of its
10 duties, as unfits the officer for the discharge of such duties
11 for any offense involving moral turpitude while in office, or
12 committed under color thereof, or connected therewith.

13 (b) The House of Representatives shall present
14 articles or charges of impeachment against those persons
15 identified in subsection (a), specifying the cause to the
16 Senate.

17 (c) The Senate, sitting as a court of impeachment,
18 shall take testimony under oath on articles or charges
19 preferred by the House of Representatives.

20 (d) The Lieutenant Governor shall preside over the
21 Senate when sitting as a court of impeachment, provided,
22 however, that if the Governor or Lieutenant Governor is
23 impeached, the Chief Justice, or if the Chief Justice be
24 absent or disqualified, then one of the associate justices of
25 the supreme court, to be selected by the court, shall preside
26 over the Senate when sitting as a court of impeachment. No

1 person may be convicted by the Senate sitting as a court of
2 impeachment without the concurrence of two-thirds of the
3 members present.

4 (e) If at any time when the Legislature is not in
5 session, a majority of all the members elected to the House of
6 Representatives shall certify in writing to the Secretary of
7 State their desire to meet to consider the impeachment of the
8 Governor, Lieutenant Governor, or other officer administering
9 the office of Governor, it shall be the duty of the Secretary
10 of State immediately to notify the Speaker of the House who,
11 within 10 days after receipt of the notice, shall summon the
12 members of the House to assemble at the capitol on a day to be
13 fixed by the Speaker, but not later than 15 days after receipt
14 of the notice by the Speaker from the Secretary of State, to
15 consider the impeachment of the Governor, Lieutenant Governor,
16 or other officer administering the office of Governor.

17 (f) If the House of Representatives prefers articles
18 of impeachment, the Speaker of the House shall forthwith
19 notify the Lieutenant Governor, unless he or she is the
20 officer impeached, in which event the President Pro Tempore of
21 the Senate shall be notified, who shall summon the members of
22 the Senate to assemble at the capitol on a specified day not
23 later than 10 days after receipt of the notice from the
24 Speaker of the House, for the purpose of hearing and trying
25 the articles of impeachment against the Governor, Lieutenant

1 Governor, or other officer administering the office of
2 Governor, as may be preferred by the House of Representatives.

3 Section 174.

4 The judges of the district and circuit courts,
5 judges of the probate courts, and judges of other courts from
6 which an appeal may be taken directly to the supreme court,
7 district attorneys, and sheriffs, may be removed from office
8 for any of the causes specified in Section 173 or elsewhere in
9 this constitution, by the supreme court, or under such
10 regulations as may be prescribed by rule of the Supreme Court
11 of Alabama or law. The Legislature may provide for the
12 impeachment or removal of other officers than those named in
13 this article.

14 Section 175.

15 A county officer and officer of an incorporated city
16 or town may be tried for impeachment for any of the causes
17 specified in Section 173 and upon conviction be removed from
18 office by a court having jurisdiction to try felony cases in
19 the county or circuit in which the officer holds his or her
20 office. The Legislature shall provide by law the method of
21 proceeding under this section, provided the right to trial by
22 jury and appeal in such cases shall be secured.

23 Section 176.

24 The penalties in cases arising under this article
25 does not extend beyond removal from office, and
26 disqualifications from holding office, under the authority of

1 this state, for the term for which the officer was elected or
2 appointed; but the accused shall be liable to indictment and
3 punishment as prescribed by law.

4 III. This amendment shall become operative on
5 January 1, 2017.

6 Section 2. An election upon the proposed amendment
7 shall be held in accordance with Sections 284 and 285 of the
8 Constitution of Alabama of 1901, now appearing as Sections 284
9 and 285 of the Official Recompilation of the Constitution of
10 Alabama of 1901, as amended, and the election laws of this
11 state.

12 Section 3. The appropriate election official shall
13 assign a ballot number for the proposed constitutional
14 amendment on the election ballot and shall set forth the
15 following description of the substance or subject matter of
16 the proposed constitutional amendment:

17 "Proposing an amendment to the Constitution of
18 Alabama of 1901, to become operative January 1, 2017, to
19 repeal and replace Article VII, Impeachments.

20 "Proposed by Act _____."

21 This description shall be followed by the following
22 language:

23 "Yes () No ()."

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Senate

Read for the first time and referred to the Senate
committee on Constitution, Campaign Finance, Eth-
ics, and Elections..... 21-JAN-14

Read for the second time and placed on the calen-
dar 1 amendment..... 18-MAR-14

Read for the third time and passed as amended 20-MAR-14

Yeas 23
Nays 6

Patrick Harris
Secretary