

1 SB440  
2 151693-1  
3 By Senators Pittman, Singleton, Figures, and Reed  
4 (Constitutional Amendment)  
5 RFD: Constitution, Campaign Finance, Ethics, and Elections  
6 First Read: 11-APR-13

2  
3  
4  
5  
6  
7  
8 SYNOPSIS: This bill would propose a constitutional  
9 amendment to require members of the Alabama  
10 Legislature to be tested if there exists a  
11 reasonable suspicion that the person might be using  
12 controlled substances.

13  
14 A BILL  
15 TO BE ENTITLED  
16 AN ACT  
17

18 Proposing an amendment to Section 47 of the  
19 Constitution of Alabama of 1901, now appearing as Section 47  
20 of the Official ReCompilation of the Constitution of Alabama  
21 of 1901, as amended, to further require members of the Alabama  
22 Legislature to be tested if there exists a reasonable  
23 suspicion that the person might be using controlled  
24 substances.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

26 Section 1. The following amendment to the  
27 Constitution of Alabama of 1901 is proposed and shall become

1 valid as a part of the Constitution when all requirements of  
2 this act are fulfilled:

3 PROPOSED AMENDMENT

4 Section 47 of the Constitution of Alabama of 1901,  
5 is amended to read as follows:

6 "Section 47.

7 "(a) Senators shall be at least twenty-five years of  
8 age, and representatives twenty-one years of age at the time  
9 of their election. They shall have been citizens and residents  
10 of this state for three years and residents of their  
11 respective counties or districts for one year next before  
12 their election, if such county or district shall have been so  
13 long established; but if not, then of the county or district  
14 from which the same shall have been taken; and they shall  
15 reside in their respective counties or districts during their  
16 terms of office.

17 "(b) Any person elected to the Alabama Legislature,  
18 upon being sworn into office, shall certify to the Secretary  
19 of the Senate or the Clerk of the House, depending upon the  
20 body to which the person is elected, whether or not the person  
21 has been convicted of any crime related to the use of an  
22 illegal controlled substance within the previous five years.  
23 Any legislator for whom reasonable suspicion exists shall be  
24 subjected to periodic drug screenings upon such intervals as  
25 the legislative body determines appropriate. All costs  
26 associated with the screenings shall be the responsibility of  
27 the person being tested. Any positive test result shall be

1 referred to the appropriate legislative committee governing  
2 the internal affairs of the body to which the legislator was  
3 elected.

4 "(c) For purposes of this section, "reasonable  
5 suspicion" exists only if a member of the Legislature has a  
6 conviction for possession or use of an illegal controlled  
7 substance within the five years prior to his or her election  
8 to the Alabama Legislature."

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

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

20 "Proposing an amendment to the Constitution of  
21 Alabama of 1901, to require to require members of the Alabama  
22 Legislature to be tested if there existed a reasonable  
23 suspicion that the person might be using controlled  
24 substances.

25 "Proposed by Act \_\_\_\_."

26 This description shall be followed by the following  
27 language:

1

"Yes ( ) No ( )."