

1 SB68
2 134975-1
3 By Senator Sanders
4 RFD: Judiciary
5 First Read: 07-FEB-12
6 PFD: 11/28/2011

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8 SYNOPSIS: Under existing law, the execution of a death
9 sentence is performed by the warden of William C.
10 Holman Prison, or his or her deputy, at Atmore,
11 Alabama.

12 This bill would place a moratorium on the
13 death penalty for a period of three years until
14 certain procedures are implemented to ensure that
15 death penalty cases are administered fairly and
16 impartially.

17
18 A BILL
19 TO BE ENTITLED
20 AN ACT

21
22 Relating to the death penalty; providing for a
23 moratorium on the imposition and execution of the death
24 penalty; and providing for the implementation of certain
25 procedures for imposing the death sentence.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. (a) There shall be a moratorium of three
2 years on the imposition or execution, or both, of the death
3 penalty pursuant to Article 2 of Chapter 5 of Title 13A of the
4 Code of Alabama 1975.

5 (b) During the moratorium provided in subsection
6 (a), the following procedures shall be implemented to ensure
7 that death penalty cases are administered fairly and
8 impartially, in accordance with due process, and to minimize
9 the risk of innocent persons being executed:

10 (1) The American Bar Association Guidelines for the
11 Appointment and Performance of Defense Counsel in Death
12 Penalty Cases.

13 (2) Due process procedures to preserve and enhance
14 state post conviction relief in death sentence cases.

15 (3) Procedures to eliminate discrimination in
16 capital sentencing on the basis of race of either the victim
17 or defendant.

18 (4) Due process procedures to prevent the execution
19 of mentally retarded persons and persons who were under the
20 age of 18 at the time of the offense.

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