

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

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7  
8 SYNOPSIS: Under existing law, a person who commits a  
9 felony involving moral turpitude loses his or her  
10 right to vote.

11 This bill would create the Definition of  
12 Moral Turpitude Act to establish a comprehensive  
13 list of felonies that involve moral turpitude.

14 This bill would also provide procedures for  
15 the Board of Pardons and Paroles and the Secretary  
16 of State to follow to purge certain disqualified  
17 voters from voter registration lists.

18  
19 A BILL  
20 TO BE ENTITLED  
21 AN ACT  
22

23 To add Section 17-3-30.1 to the Code of Alabama  
24 1975, to create the Definition of Moral Turpitude Act; to  
25 establish a comprehensive list of felonies that involve moral  
26 turpitude; and to amend Sections 17-4-3 and 17-4-4, Code of  
27 Alabama 1975, relating to voter registration lists, to provide

1 procedures for the Board of Pardons and Paroles and the  
2 Secretary of State to follow to purge certain disqualified  
3 voters from voter registration lists.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. Section 17-3-30.1 is added to the Code of  
6 Alabama 1975, to read as follows:

7 §17-3-30.1.

8 (a) This section shall be known and may be cited as  
9 the Definition of Moral Turpitude Act.

10 (b) (1) The Legislature finds and declares that:

11 a. Article VIII of the Constitution of Alabama of  
12 1901, now appearing as Section 177 of Article VIII of the  
13 Official Recompilation of the Constitution of Alabama of 1901,  
14 as amended, provides that Alabama citizens shall lose the  
15 right to vote when convicted of a crime only if the conviction  
16 was for a felony involving moral turpitude.

17 b. Under general law, there is no comprehensive list  
18 of felonies that involve moral turpitude. Neither individuals  
19 with felony convictions nor election officials have a  
20 comprehensive, authoritative source for determining if a  
21 felony conviction involves moral turpitude and is therefore a  
22 disqualifying felony.

23 (2) The purposes of this section are:

24 a. To give full effect to Article VIII of the  
25 Constitution of Alabama of 1901, now appearing as Section 177  
26 of Article VIII of the Official Recompilation of the  
27 Constitution of Alabama of 1901, as amended.

1           b. To ensure that no one is wrongly excluded from  
2 the franchise.

3           (c) For purposes of Article VIII of the Constitution  
4 of Alabama of 1901, now appearing as Section 177 of Article  
5 VIII of the Official Recompilation of the Constitution of  
6 Alabama of 1901, as amended, a person is disqualified to vote  
7 by reason of conviction of a felony involving moral turpitude  
8 only when convicted of any of the following offenses in a  
9 degree constituting a felony:

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

11           a. Subdivision (1) of subsection (a) of Section  
12 13A-5-40, Code of Alabama 1975.

13           b. Subdivision (2) of subsection (a) of Section  
14 13A-5-40, Code of Alabama 1975.

15           c. Subdivision (3) of subsection (a) of Section  
16 13A-5-40, Code of Alabama 1975.

17           d. Subdivision (4) of subsection (a) of Section  
18 13A-5-40, Code of Alabama 1975.

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

21           f. Subdivision (6) of subsection (a) of Section  
22 13A-5-40, Code of Alabama 1975.

23           g. Subdivision (7) of subsection (a) of Section  
24 13A-5-40, Code of Alabama 1975.

25           h. Subdivision (8) of subsection (a) of Section  
26 13A-5-40, Code of Alabama 1975.

1           i. Subdivision (9) of subsection (a) of Section  
2   13A-5-40, Code of Alabama 1975.

3           j. Subdivision (10) of subsection (a) of Section  
4   13A-5-40, Code of Alabama 1975.

5           k. Subdivision (11) of subsection (a) of Section  
6   13A-5-40, Code of Alabama 1975.

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

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

11          n. Subdivision (14) of subsection (a) of Section  
12   13A-5-40, Code of Alabama 1975.

13          o. Subdivision (15) of subsection (a) of Section  
14   13A-5-40, Code of Alabama 1975.

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

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

19          r. Subdivision (18) of subsection (a) of Section  
20   13A-5-40, Code of Alabama 1975.

21          s. Subdivision (19) of subsection (a) of Section  
22   13A-5-40, Code of Alabama 1975.

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

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

26          (3) Assault as defined in Sections 13A-6-20 and  
27   13A-6-21, Code of Alabama 1975.

1                   (4) Rape as defined in Sections 13A-6-61 and  
2                   13A-6-62, Code of Alabama 1975.

3                   (5) Sodomy as defined in Sections 13A-6-63 and  
4                   13A-6-64, Code of Alabama 1975.

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

7                   (7) Sexual abuse as defined in Sections 13A-6-66,  
8                   13A-6-67, and 13A-6-69.1, Code of Alabama 1975.

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

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

13                  (10) Burglary as defined in Sections 13A-7-5 and  
14                  13A-7-6, Code of Alabama 1975.

15                  (11) Theft of property as defined in Sections  
16                  13A-8-3 and 13A-8-4, Code of Alabama 1975.

17                  (12) Theft of lost property as defined in Sections  
18                  13A-8-7 and 13A-8-8, Code of Alabama 1975.

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

21                  (14) Robbery as defined in Sections 13A-8-41,  
22                  13A-8-42, and 13A-8-43, Code of Alabama 1975.

23                  (15) Forgery as defined in Sections 13A-9-2 and  
24                  13A-9-3, Code of Alabama 1975.

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

1           (17) Dissemination or public display of obscene  
2 matter containing visual depiction of persons under 17 years  
3 of age involved in obscene acts as defined in Section  
4 13A-12-191, Code of Alabama 1975.

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

9           (19) Parents or guardians permitting children to  
10 engage in production of obscene matter as defined in Section  
11 13A-12-196, Code of Alabama 1975.

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

15           (21) Distribution, possession with intent to  
16 distribute, production of obscene material, or offer or  
17 agreement to distribute or produce, as defined in Section  
18 13A-12-200.2, Code of Alabama 1975.

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

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

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

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

1           (26) Human trafficking as defined in Sections  
2       13A-6-152 and 13A-6-153, Code of Alabama 1975.

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

5           (28) Soliciting or providing support for an act of  
6       terrorism as defined in Section 13A-10-153, Code of Alabama  
7       1975.

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

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

12          (31) Possession, manufacture, transport, or  
13       distribution of a destructive device or bacteriological or  
14       biological weapon as defined in Section 13A-10-193, Code of  
15       Alabama 1975.

16          (32) Selling, furnishing, giving away, delivering,  
17       or distribution of a destructive device, a bacteriological  
18       weapon, or biological weapon to a person who is less than 21  
19       years of age as defined in Section 13A-10-194, Code of Alabama  
20       1975.

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

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



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

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

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

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

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

15               "§17-4-3.

16               "(a) Each county board of registrars shall purge the  
17 computerized statewide voter registration list on a continuous  
18 basis, whenever it receives and confirms information that a  
19 person registered to vote in that county has died, become a  
20 nonresident of the state or county, been declared mentally  
21 incompetent, been convicted of any offense ~~mentioned in~~  
22 designated pursuant to Section 17-3-30.1 as a felony involving  
23 moral turpitude for the purposes of Article VIII of the  
24 Constitution of Alabama of 1901 since being registered, or  
25 otherwise become disqualified as an elector. ~~A~~ Except as  
26 provided below, a person convicted of a disqualifying criminal  
27 offense ~~must~~ shall be notified by certified mail sent to the

1 voter's last known address of the board's intention to strike  
2 his or her name from the list. No person convicted of a  
3 disqualifying crime may be stricken from the poll list while  
4 an appeal from the conviction is pending.

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

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

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

1 felony loses his or her civil and political rights, which  
2 includes the right to vote and the right to hold public  
3 office. Restoration of these rights may be applied for through  
4 the Central Montgomery Office of the Board of Pardons and  
5 Paroles, but only upon completion of the requirements of  
6 Section 15-22-36.1, Code of Alabama 1975.

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

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

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

26 "§17-4-4.

1           "(a) In addition to all other duties now required by  
2 law, the Office of Vital Statistics of the State Department of  
3 Public Health shall furnish to the board of registrars of the  
4 county in which such district is located, once each month, a  
5 report of the death of all persons over 18 years of age who  
6 resided in such registration district.

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

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

26           "(d) The Secretary of State and the Board of Pardons  
27 and Paroles may promulgate rules in accordance with the

1     Alabama Administrative Procedure Act as necessary to implement  
2     this section."

3             Section 3. 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.