SB179

EGZV9C2-1

By Senators Coleman-Madison, Stewart, Beasley, Coleman, Singleton, Smitherman

RFD: Judiciary

First Read: 29-Feb-24

SYNOPSIS:

Under existing law, an individual convicted of a crime of moral turpitude loses his or her right to vote.

This bill would remove certain crimes from the list of offenses that are considered crimes of moral turpitude.

A BILL

TO BE ENTITLED

AN ACT

Relating to voting; to amend Section 17-3-30.1, Code of Alabama 1975, to remove certain crimes from the list of offenses that are considered crimes of moral turpitude.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 17-3-30.1, Code of Alabama 1975, is amended to read as follows:

"§17-3-30.1

(a) This section shall be known and may be cited as the Felony Voter Disqualification Act.

(b)(1) The Legislature finds and declares ~~that~~both of the following:

a. ~~Article VIII~~ That Section 177 of the Constitution of Alabama of ~~1901~~2022, ~~now appearing as Section 177 of Article VIII of the Official Recompilation of the Constitution of Alabama of 1901, as amended,~~ provides that Alabama ~~citizens~~ residents shall lose the right to vote when convicted of a crime only if the conviction was for a felony involving moral turpitude.

b. ~~Under~~ Prior to 2017, under general law, there ~~is~~ was no comprehensive list of felonies that involve moral turpitude which disqualify a person from exercising his or her right to vote. Neither individuals with felony convictions nor election officials ~~have~~ had a comprehensive, authoritative source for determining if a felony conviction involves moral turpitude and is therefore a disqualifying felony.

(2) The purposes of this section are:

a. To give full effect to ~~Article VIII~~ Section 177 of the Constitution of Alabama of ~~1901~~2022~~, now appearing as Section 177 of Article VIII of the Official Recompilation of the Constitution of Alabama of 1901, as amended~~.

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

c. To provide a comprehensive list of acts that constitute moral turpitude for the limited purpose of disqualifying ~~a person~~ an individual from exercising his or her right to vote.

(c) For purposes of ~~Article VIII~~ Section 177 of the Constitution of Alabama of ~~1901~~2022, ~~now appearing as Section 177 of Article VIII of the Official Recompilation of the~~

~~Constitution of Alabama of 1901, as amended,~~ ~~a person~~ an individual is disqualified to vote by reason of conviction of a felony involving moral turpitude only when convicted of any of the following offenses in a degree constituting a felony:

(1) Murder as defined in the following sections:

a. Subdivision (1) of subsection (a) of Section 13A-5-40.

b. Subdivision (2) of subsection (a) of Section 13A-5-40.

c. Subdivision (3) of subsection (a) of Section 13A-5-40.

d. Subdivision (4) of subsection (a) of Section 13A-5-40.

e. Subdivision (5) of subsection (a) of Section 13A-5-40.

f. Subdivision (6) of subsection (a) of Section 13A-5-40.

g. Subdivision (7) of subsection (a) of Section 13A-5-40.

h. Subdivision (8) of subsection (a) of Section 13A-5-40.

i. Subdivision (9) of subsection (a) of Section 13A-5-40.

j. Subdivision (10) of subsection (a) of Section 13A-5-40.

k. Subdivision (11) of subsection (a) of Section 13A-5-40.

l. Subdivision (12) of subsection (a) of Section

13A-5-40.

m. Subdivision (13) of subsection (a) of Section 13A-5-40.

n. Subdivision (14) of subsection (a) of Section 13A-5-40.

o. Subdivision (15) of subsection (a) of Section 13A-5-40.

p. Subdivision (16) of subsection (a) of Section 13A-5-40.

q. Subdivision (17) of subsection (a) of Section 13A-5-40.

r. Subdivision (18) of subsection (a) of Section 13A-5-40.

s. Subdivision (19) of subsection (a) of Section 13A-5-40.

t. Section 13A-6-2.

(2) Manslaughter as defined in Section 13A-6-3.

(3) Assault as defined in Section 13A-6-20, except for subdivision (5) of subsection (a) of Section 13A-6-20, and Section 13A-6-21.

(4) Kidnapping in the first degree as defined in Section 13A-6-43.

(5) Kidnapping in the second degree as defined in Section 13A-6-44.

(6) Rape as defined in Sections 13A-6-61 and 13A-6-62.

(7) Sodomy as defined in Sections 13A-6-63 and 13A-6-64.

(8) Sexual torture as defined in Section 13A-6-65.1.

(9) Sexual abuse as defined in Sections 13A-6-66, 13A-6-67, and 13A-6-69.1.

(10) Enticing a child to enter a vehicle for immoral purposes as defined in Section 13A-6-69.

(11) Facilitating solicitation of unlawful sexual conduct with a child as defined in Section 13A-6-121.

(12) Electronic solicitation of a child as defined in Section 13A-6-122.

(13) Facilitating the on-line solicitation of a child as defined in Section 13A-6-123.

(14) Traveling to meet a child for an unlawful sex act as defined in Section 13A-6-124.

(15) Facilitating the travel of a child for an unlawful sex act as defined in Section 13A-6-125.

(16) Human trafficking as defined in Sections 13A-6-152 and 13A-6-153.

(17) Terrorism as defined in Section 13A-10-152.

(18) Soliciting or providing support for an act of terrorism as defined in Section 13A-10-153.

(19) Hindering prosecution of terrorism as defined in Section 13A-10-154.

(20) Endangering the water supply as defined in Section 13A-10-171.

(21) Possession, manufacture, transport, or distribution of a destructive device or bacteriological or biological weapon as defined in Section 13A-10-193.

(22) Selling, furnishing, giving away, delivering, or distribution of a destructive device, a bacteriological

weapon, or biological weapon to a person who is less than 21 years of age as defined in Section 13A-10-194.

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

(24) Possession or distribution of a hoax device represented as a destructive device or weapon as defined in subsection (c) of Section 13A-10-196.

(25) Attempt to commit an explosives or destructive device or bacteriological or biological weapons crime as defined in Section 13A-10-197.

(26) Conspiracy to commit an explosives or destructive device or bacteriological or biological weapons crime as defined in Section 13A-10-198.

(27) Hindrance or obstruction during detection, disarming, or destruction of a destructive device or weapon as defined in Section 13A-10-199.

(28) Possession or distribution of a destructive device or weapon intended to cause injury or destruction as defined in Section 13A-10-200.

(29) Treason as defined in Section 13A-11-2.

(30) Dissemination or public display of obscene matter containing visual depiction of persons under 17 years of age involved in obscene acts as defined in Section 13A-12-191.

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

(32) Parents or guardians permitting children to engage in production of obscene matter as defined in Section 13A-12-196.

(33) Production of obscene matter containing visual depiction of persons under 17 years of age involved in obscene acts as defined in Section 13A-12-197.

(34) Distribution, possession with intent to distribute, production of obscene material, or offer or agreement to distribute or produce, as defined in Section 13A-12-200.2.

~~(35) Trafficking in cannabis, cocaine, or other illegal drugs or trafficking in amphetamine and methamphetamine as defined in Section 13A-12-231.~~

~~(36)~~ (35) Bigamy as defined in Section 13A-13-1.

~~(37)~~ (36) Incest as defined in Section 13A-13-3.

~~(38)~~ (37) Torture or other willful maltreatment of a child under the age of 18 as defined in Section 26-15-3.

~~(39)~~ (38) Aggravated child abuse as defined in Section 26-15-3.1.

~~(40)~~ (39) Prohibited acts in the offer, sale, or purchase of securities as defined in Section 8-6-17.

~~(41) Burglary as defined in Sections 13A-7-5 and 13A-7-6.~~

~~(42)~~ (40) Aggravated theft by deception as defined in Section 13A-8-2.1.

~~(43) Theft of property as defined in Sections 13A-8-3 and 13A-8-4.~~

~~(44) Theft of lost property as defined in Sections~~

~~13A-8-7 and 13A-8-8.~~

~~(45)~~(41) Theft of trademarks or trade secrets as defined in Section 13A-8-10.4.

~~(46) Robbery as defined in Sections 13A-8-41, 13A-8-42, and 13A-8-43.~~

~~(47) Forgery as defined in Sections 13A-9-2 and 13A-9-3.~~

~~(48)~~(42) Any crime as defined by the laws of the United States or by the laws of another state, territory, country, or other jurisdiction, which, if committed in this state, would constitute one of the offenses listed in this subsection.

(d) Nothing in this section shall be interpreted as determining moral turpitude for any purpose other than disqualifying ~~a person~~ an individual from exercising his or her right to vote.

(e) The felonies involving moral turpitude listed in subsection (c) are the only felonies for which a person, upon conviction, may be disqualified from voting. Additional felonies may be added to the list in subsection (c) only by amendment to this section."

Section 2. This act shall become effective on October 1, 2024.