

SB118 INTRODUCED



1 SB118

2 UA6WXXG-1

3 By Senator Barfoot (Constitutional Amendment)

4 RFD: Judiciary

5 First Read: 05-Feb-25

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4 SYNOPSIS:

5 The Constitution of Alabama of 2022 requires
6 reasonable bail before conviction in all cases unless a
7 defendant is charged with one of thirteen enumerated
8 offenses.

9 This bill would propose an amendment to the
10 Constitution of Alabama of 2022 that would add to the
11 list of enumerated offenses certain offenses related to
12 the unlawful use or possession of a firearm. This bill
13 would also add to the list of enumerated offenses any
14 solicitation, attempt, or conspiracy to commit any of
15 the offenses for which bail may be denied.

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A BILL

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TO BE ENTITLED

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AN ACT

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22 To propose an amendment to Section 16 of the
23 Constitution of Alabama of 2022, to provide for additional
24 offenses that would allow a judge to deny bail under certain
25 circumstances.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

27 Section 1. The following amendment to the Constitution
28 of Alabama of 2022, is proposed:

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PROPOSED AMENDMENT

32 Section 16 of the Constitution of Alabama of 2022, is
33 amended to read as follows:

34 Section 16.

35 That all persons shall, before conviction, be bailable
36 by sufficient sureties, unless charged with capital murder, as
37 provided in Section 13A-5-40, Code of Alabama 1975, as
38 amended; murder, as provided in Section 13A-6-2, Code of
39 Alabama 1975, as amended; kidnapping in the first degree, as
40 provided in Section 13A-6-43, Code of Alabama 1975, as
41 amended; rape in the first degree, as provided in Section
42 13A-6-61, Code of Alabama 1975, as amended; sodomy in the
43 first degree, as provided in Section 13A-6-63, Code of Alabama
44 1975, as amended; sexual torture, as provided in Section
45 13A-6-65.1, Code of Alabama 1975, as amended; domestic
46 violence in the first degree, as provided in Section
47 13A-6-130, Code of Alabama 1975, as amended; human trafficking
48 in the first degree, as provided in Section 13A-6-152, Code of
49 Alabama 1975, as amended; burglary in the first degree, as
50 provided in Section 13A-7-5, Code of Alabama 1975, as amended;
51 arson in the first degree, as provided in Section 13A-7-41,
52 Code of Alabama 1975, as amended; robbery in the first degree,
53 as provided in Section 13A-8-41, Code of Alabama 1975, as
54 amended; terrorism, as provided in subdivision (b) (2) of
55 Section 13A-10-152, Code of Alabama 1975, as amended; ~~and~~
56 aggravated child abuse, as provided in subsection (b) of

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57 Section 26-15-3.1, Code of Alabama 1975, as amended; certain
58 persons forbidden to possess a firearm, as provided in Section
59 13A-11-72, Code of Alabama 1975, as amended; shooting or
60 discharging a firearm, explosive, or other weapon into an
61 occupied dwelling, building, railroad locomotive, railroad
62 car, aircraft, automobile, truck, or watercraft, as provided
63 in Section 13A-11-61(b); and any solicitation, attempt, or
64 conspiracy to commit any of the offenses listed in this
65 section; and that excessive bail shall not in any case be
66 required.

67 END OF PROPOSED AMENDMENT

68 Section 2. An election upon the proposed amendment
69 shall be held at the statewide primary election in 2026 in
70 accordance with Sections 284 and 285 of the Constitution of
71 Alabama of 2022, and the election laws of this state. The
72 appropriate election official shall assign a ballot number for
73 the proposed constitutional amendment on the election ballot
74 and shall set forth the following description of the substance
75 or subject matter of the proposed constitutional amendment:

76 "Proposing an amendment to the Constitution of Alabama
77 of 2022, to provide that the following offenses shall be
78 offenses for which a judge may deny bail: convicted felons in
79 possession of a firearm in violation of Section 13A-11-72,
80 Code of Alabama 1975; shooting or discharging a firearm into
81 an occupied dwelling or other occupied space in violation of
82 Section 13A-11-61(b), Code of Alabama 1975; or any
83 solicitation, attempt, or conspiracy to commit any of the
84 offenses identified in Section 16, Alabama Constitution of

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85 2022.

86 Proposed by Act ____."

87 This description shall be followed by the following
88 language:

89 "Yes () No ()."

90 Section 3. The proposed amendment shall become valid as
91 a part of the Constitution of Alabama of 2022, when approved
92 by a majority of the qualified electors voting thereon.

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