

1 HB217  
2 147434-3  
3 By Representatives Hall, Boyd, Givan, Rogers, Robinson (O),  
4 McClammy, Colston, Grimsley, Bracy, Bandy, Forte, Melton,  
5 McCampbell, McAdory, Coleman-Evans, Hubbard (J), Jackson,  
6 Black, Lindsey, Robinson (J), Morrow, Ford, Burdine, Knight,  
7 Warren, Millican, Gaston, Barton, Newton (C), Scott, Greer,  
8 McMillan, McCutcheon, Weaver, Moore (M), England, Patterson,  
9 Williams (J), Newton (D), Hammon, Buttram, Clouse, Lee, Drake,  
10 Faust, Brown, Greeson, Harper, Farley, Sanderford, Rich,  
11 Johnson (W), Williams (D), Sessions, Butler, Roberts, Baughn,  
12 Nordgren, Johnson (K), Collins, Hill, Ison and McClurkin  
13 RFD: Judiciary  
14 First Read: 07-FEB-13

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8 SYNOPSIS: Under existing law, there is no process for  
9 the State Board of Pardons and Paroles to pardon  
10 felons determined to be innocent after their death.

11 This bill would create "The Scottsboro Boys  
12 Act" to establish procedures to consider the  
13 posthumous pardon of certain felons convicted based  
14 upon alleged acts committed at least 80 years prior  
15 to the date of the petition and which meet other  
16 criteria.

17  
18 A BILL  
19 TO BE ENTITLED  
20 AN ACT

21  
22 Relating to pardons and paroles, to establish  
23 procedures for the consideration of posthumous pardons of  
24 certain felons by the State Board of Pardons and Paroles.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

26 Section 1. This act may be known and cited as "The  
27 Scottsboro Boys Act."

1           Section 2. The purpose of this act is to establish a  
2 process for the consideration of posthumous pardons by the  
3 State Board of Pardons and Paroles for certain felons.

4           Section 3. The following words shall have the  
5 following meanings:

6           (1) BOARD. State Board of Pardons and Paroles.

7           (2) CANDIDATE. A person who is considered for a  
8 posthumous pardon.

9           (3) PETITION. A document signed by a petitioner  
10 requesting the posthumous pardon of a person.

11           (4) PETITIONER. A judge in the judicial circuit  
12 where the person was tried and convicted or the district  
13 attorney in the person's county of conviction.

14           (5) POSTHUMOUS PARDON. A pardon granted by the State  
15 Board of Pardons and Paroles to certain deceased felons.

16           Section 4. (a) A person convicted of a Class A or  
17 Class B felony in this state shall be a candidate for a  
18 posthumous pardon if all of the following conditions are  
19 satisfied:

20           (1) He or she is deceased.

21           (2) The person's circumstances of conviction provide  
22 a compelling reason or reasons to consider granting a  
23 posthumous pardon to remedy social injustice associated with  
24 racial discrimination.

25           (3) He or she did not receive a pardon for his or  
26 her felony conviction at issue from this state while living.

1           (4) The acts forming the basis for his or her felony  
2 conviction or convictions at issue were committed at least 80  
3 years prior to the date of the petition.

4           (b) A petitioner may petition the board to consider  
5 granting a posthumous pardon for a specific compelling reason  
6 or reasons for the purpose of remedying social injustice  
7 associated with racial discrimination evident by the person's  
8 circumstances of conviction.

9           (c) (1) The petition shall include attestations of  
10 all of the following:

11           a. That the petitioner is an eligible petitioner  
12 under this act.

13           b. That the petitioner has personally conducted an  
14 intelligent evaluation of the person's case.

15           c. The compelling reason or reasons for which the  
16 petitioner requests a posthumous pardon for the purpose of  
17 remedying social injustice associated with racial  
18 discrimination evident by the person's circumstances of  
19 conviction.

20           d. That all information contained in the petition  
21 and any supporting documentation or evidence submitted by the  
22 petitioner is believed to be true and accurate.

23           (2) The petition shall also include supporting  
24 documentation or evidence of the compelling reason or reasons  
25 supporting the award of a posthumous pardon.

26           (d) The board shall have no power to grant a  
27 posthumous pardon unless the petition specifies a compelling

1 reason or reasons for which the petitioner seeks application  
2 for the candidate's posthumous pardon to remedy social  
3 injustice associated with racial discrimination evident by the  
4 person's circumstances of conviction.

5 (e) Following receipt and review of the petition and  
6 supporting documentation or evidence, the board shall conduct  
7 a hearing on the petition. The board shall not be required to  
8 conduct an investigation to consider or grant a posthumous  
9 pardon in accordance with this act, but may rely on the  
10 written petition and accompanying documentation or evidence,  
11 along with evidence presented at the hearing. The petitioner,  
12 public officials, and other witnesses, including members of  
13 the public may testify and present evidence at the hearing in  
14 support of or in opposition to the petition. The board shall  
15 hold ultimate discretion in granting a posthumous pardon. Upon  
16 the unanimous affirmative vote of the board, a posthumous  
17 pardon may be issued.

18 (f) The notification requirements of Sections  
19 15-22-23 and 15-22-36, Code of Alabama 1975, shall not apply  
20 to this act, and the board's power to grant posthumous pardons  
21 shall not otherwise be limited by Sections 15-22-23 and  
22 15-22-36, Code of Alabama 1975.

23 Section 5. For the public welfare, a pardon granted  
24 by the board pursuant to this act shall not require formal  
25 delivery to and acceptance by the candidate's family or legal  
26 heirs in order to be considered valid.

1                   Section 6. Nothing in this act, nor any  
2                   determination made by the Alabama Board of Pardons and Paroles  
3                   pursuant to this act, shall give rise to any liability from  
4                   any act or omission of any governmental entity or otherwise  
5                   give rise to any legal claim, suit, or action, including for  
6                   reparations to a surviving family member of a person pardoned  
7                   under this act or to a posthumously pardoned person's estate.  
8                   All Board of Pardons and Paroles' files and records created  
9                   and maintained pursuant to this act shall be subject to the  
10                  absolute governmental privilege created by subsection  
11                  15-22-36(b), Code of Alabama 1975.

12                  Section 7. This act shall become effective on the  
13                  first day of the third month following its passage and  
14                  approval by the Governor, or its otherwise becoming law.