HB336

163387-4

By Representatives Givan, Davis and Shedd (Constitutional Amendment)

RFD: Constitution, Campaigns and Elections

First Read: 19-MAR-15
ENROLLED, An Act,

To repeal existing Article VII of the Constitution of Alabama of 1901, relating to impeachments, and to add a new Article VII, relating to impeachments.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285, and 287 of the Constitution of Alabama of 1901, as amended:

PROPOSED AMENDMENT

I. Article VII of the Constitution of Alabama of 1901, is repealed.

II. Article VII is added to the Constitution of Alabama of 1901, to read as follows:

Article VII. Impeachments.

Section 173.

(a) The Governor, Lieutenant Governor, Attorney General, State Auditor, Secretary of State, State Treasurer, members of the State Board of Education, Commissioner of Agriculture and Industries, and justices of the supreme court may be removed from office for willful neglect of duty, corruption in office, incompetency, or intemperance in the use
of intoxicating liquors or narcotics to such an extent, in
view of the dignity of the office and importance of its
duties, as unfits the officer for the discharge of such duties
for any offense involving moral turpitude while in office, or
committed under color thereof, or connected therewith.

(b) The House of Representatives shall present
articles or charges of impeachment against those persons
identified in subsection (a), specifying the cause to the
Senate.

(c) The Senate, sitting as a court of impeachment,
shall take testimony under oath on articles or charges
preferred by the House of Representatives.

(d) The Lieutenant Governor shall preside over the
Senate when sitting as a court of impeachment, provided,
however, that if the Governor or Lieutenant Governor is
impeached, the Chief Justice, or if the Chief Justice be
absent or disqualified, then one of the associate justices of
the supreme court, to be selected by the court, shall preside
over the Senate when sitting as a court of impeachment. No
person may be convicted by the Senate sitting as a court of
impeachment without the concurrence of two-thirds of the
members present.

(e) If at any time when the Legislature is not in
session, a majority of all the members elected to the House of
Representatives shall certify in writing to the Secretary of
State their desire to meet to consider the impeachment of the Governor, Lieutenant Governor, or other officer administering the office of Governor, it shall be the duty of the Secretary of State immediately to notify the Speaker of the House who, within 10 days after receipt of the notice, shall summon the members of the House to assemble at the capitol on a day to be fixed by the Speaker, but not later than 15 days after receipt of the notice by the Speaker from the Secretary of State, to consider the impeachment of the Governor, Lieutenant Governor, or other officer administering the office of Governor.

(f) If the House of Representatives prefers articles of impeachment, the Speaker of the House shall forthwith notify the Lieutenant Governor, unless he or she is the officer impeached, in which event the President Pro Tempore of the Senate shall be notified, who shall summon the members of the Senate to assemble at the capitol on a specified day not later than 10 days after receipt of the notice from the Speaker of the House, for the purpose of hearing and trying the articles of impeachment against the Governor, Lieutenant Governor, or other officer administering the office of Governor, as may be preferred by the House of Representatives.

Section 174.

The judges of the district and circuit courts, judges of the probate courts, and judges of other courts from which an appeal may be taken directly to the supreme court,
district attorneys, and sheriffs, may be removed from office for any of the causes specified in Section 173 or elsewhere in this constitution, by the supreme court, or under such regulations as may be prescribed by rule of the Supreme Court of Alabama or law. The Legislature may provide for the impeachment or removal of other officers than those named in this article.

Section 175.

A county officer and officer of an incorporated city or town may be tried for impeachment for any of the causes specified in Section 173 and upon conviction be removed from office by a court having jurisdiction to try felony cases in the county or circuit in which the officer holds his or her office. The Legislature shall provide by law the method of proceeding under this section, provided the right to trial by jury and appeal in such cases shall be secured.

Section 176.

The penalties in cases arising under this article does not extend beyond removal from office, and disqualifications from holding office, under the authority of this state, for the term for which the officer was elected or appointed; but the accused shall be liable to indictment and punishment as prescribed by law.

III. This amendment shall become operative on January 1, 2017.
Section 2. An election upon the proposed amendment shall be held in accordance with Sections 284 and 285 of the Constitution of Alabama of 1901, now appearing as Sections 284 and 285 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, and the election laws of this state.

Section 3. The appropriate election official shall assign a ballot number for the proposed constitutional amendment on the election ballot and shall set forth the following description of the substance or subject matter of the proposed constitutional amendment:

"Proposing an amendment to the Constitution of Alabama of 1901, to become operative January 1, 2017, to repeal and replace Article VII, Impeachments.

"Proposed by Act ________." 

This description shall be followed by the following language:

"Yes ( ) No ( )."
Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives
I hereby certify that the within Act originated in and was passed by the House 09-APR-15, as amended.

Jeff Woodard
Clerk

Senate 19-MAY-15 Passed