HB282

178796-3

By Representative Jones

RFD: Judiciary

First Read: 21-FEB-17
ENROLLED, An Act,

To add Section 17-3-30.1 to the Code of Alabama 1975, to create the Felony Voter Disqualification Act; to establish a comprehensive list of felonies that involve moral turpitude which disqualify a person from exercising his or her right to vote; and to amend Sections 17-4-3 and 17-4-4, Code of Alabama 1975, relating to voter registration lists, to provide procedures for the Board of Pardons and Paroles and the Secretary of State to follow to purge certain disqualified voters from voter registration lists.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 17-3-30.1 is added to the Code of Alabama 1975, 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:

a. Article VIII of the Constitution of Alabama of 1901, 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 shall lose the right to vote when convicted of a crime only if the conviction was for a felony involving moral turpitude.
b. Under general law, there is 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 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 of the Constitution of Alabama of 1901, 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 from exercising his or her right to vote.

(c) For purposes of Article VIII of the Constitution of Alabama of 1901, now appearing as Section 177 of Article VIII of the Official Recompilation of the Constitution of Alabama of 1901, as amended, a person 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) Soliciting a child by computer as defined in Section 13A-6-110.

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

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

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

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

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

(43) Theft of lost property as defined in Sections 13A-8-7 and 13A-8-8.

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

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


(47) 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 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. Sections 17-4-3 and 17-4-4 of the Code of Alabama 1975, are amended to read as follows:

"§17-4-3.

"(a) Each county board of registrars shall purge the computerized statewide voter registration list on a continuous basis, whenever it receives and confirms information that a person registered to vote in that county has died, become a nonresident of the state or county, been declared mentally incompetent, been convicted of any offense mentioned in designated pursuant to Section 17-3-30.1 as a felony involving moral turpitude for the purposes of Article VIII of the Constitution of Alabama of 1901 since being registered, or otherwise become disqualified as an elector. Except as provided below, a person convicted of a disqualifying criminal
offense must be notified by certified mail sent to the voter's last known address of the board's intention to strike his or her name from the list. No person convicted of a disqualifying crime may be stricken from the poll list while an appeal from the conviction is pending.

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

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

"(d) In the event the Board of Pardons and Paroles is supervising a person convicted of a disqualifying criminal offense on probation or parole, and the person has received face-to-face counseling from the supervising officer regarding voter disqualification and executed documentation explaining the loss and restoration of civil and political rights, upon receipt of the documentation, signed by the disqualified elector, the county board of registrars shall be exempt from providing notice as otherwise required by this section. The
document administered by the Board of Pardons and Paroles and to be signed by the disqualified elector shall contain the following statement: "Any person convicted of a disqualifying felony loses his or her civil and political rights, which includes the right to vote. Restoration of these rights may be applied for through the Central Montgomery Office of the Board of Pardons and Paroles, but only upon completion of the requirements of Section 15-22-36.1."

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

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

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

"§17-4-4.

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

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

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

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

Section 3. This act shall become effective on the
first day of the third month following its passage and
approval by the Governor, or its otherwise becoming law.
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-MAR-17, as amended.

Jeff Woodard
Clerk

Senate 17-MAY-17 Passed