HB178

200317-3

By Representatives Robertson, Estes, Stringer, Simpson, Reynolds, Polizos and Ball (Constitutional Amendment)

RFD: State Government

First Read: 19-MAR-19
A BILL

TO BE ENTITLED

AN ACT

Proposing an amendment to Amendment 38 of the Constitution of Alabama of 1901, now appearing as Section 124 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, relating to the authority of the Governor to grant reprieves and commutations to persons under sentence of death; to require the Governor to take reasonable steps to provide notice to certain persons prior to granting a commutation to a person under a sentence of death; and to authorize certain persons to challenge the granting of a commutation upon a violation.

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:
"(a)(1) The governor shall have power to Governor may grant reprieves and commutations to persons under sentence of death.

"(2) The power to grant a commutation or reprieve under subdivision (1) may not be exercised until the Governor has taken reasonable steps under the circumstances to notify the Attorney General and any members of the victim's family whose contact information is provided to the Governor by the Attorney General for this purpose.

"(3) A victim's family member who is entitled to notice under subdivision (2) may challenge a commutation or reprieve as being in violation of this section by filing a civil action in the Circuit Court of Montgomery County within 30 days after the Governor grants the commutation or reprieve. If the court finds a violation of subdivision (2), the court shall void the commutation at issue and enjoin the Governor from granting the inmate a commutation or reprieve until the Governor takes reasonable steps to provide the notice required by that subdivision.

"(b) The legislature shall have power to Legislature may provide for and to regulate the administration of pardons, paroles, remission of fines, and forfeitures, and may authorize the courts having criminal jurisdiction to suspend a sentence and to order probation.

"(c) No pardon shall relieve from civil and political disabilities unless specifically expressed in the pardon."
END OF PROPOSED AMENDMENT.

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 Amendment 38 of the Constitution of Alabama of 1901, now appearing as Section 124 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, relating to the authority of the Governor to grant reprieves and commutations to persons under sentence of death; to require the Governor to take reasonable steps to provide notice to certain persons prior to granting a commutation to a person under a sentence of death; and to authorize certain persons to challenge the granting of a commutation upon a violation.

"Proposed by Act _______."

This description shall be followed by the following language:

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

Read for the first time and referred to the House of Representatives committee on State Government

............................................. ........ 19-MAR-19

Read for the second time and placed on the calendar with 1 substitute

and............................................. ........ 02-MAY-19

Read for the third time and passed as amended............................................. ........ 23-MAY-19

Yeas 100, Nays 0, Abstains 1

Jeff Woodard
Clerk