

1 HB178
2 196871-1
3 By Representatives Robertson, Estes, Stringer, Simpson,
4 Reynolds, Polizos and Ball (Constitutional Amendment)
5 RFD: State Government
6 First Read: 19-MAR-19

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8 SYNOPSIS: Amendment 38 of the Constitution of Alabama
9 of 1901, provides that the Governor has the
10 authority to grant a reprieve or a commutation to a
11 person sentenced to death.

12 This proposed amendment would remove the
13 Governor's authority to grant a reprieve and would
14 provide that the Governor may not grant a
15 commutation unless the Governor provides a minimum
16 of 30 days' written notice to certain enumerated
17 persons.

18
19 A BILL
20 TO BE ENTITLED
21 AN ACT
22

23 Proposing an amendment to Amendment 38 of the
24 Constitution of Alabama of 1901, now appearing as Section 124
25 of the Official ReCompilation of the Constitution of Alabama
26 of 1901, as amended, relating to the authority of the Governor
27 to grant reprieves and commutations to persons under sentence

1 of death; to remove the Governor's authority to grant a
2 reprieve; and to provide that the Governor may not grant a
3 commutation unless the Governor provides a minimum of 30 days'
4 written notice to certain enumerated persons.

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

12 PROPOSED AMENDMENT

13 "(a) (1) The ~~governor~~ Governor shall have power to
14 grant ~~reprieves and~~ commutations to persons under sentence of
15 death.

16 "(2) The power to grant a commutation provided for
17 in subdivision (1) may not be exercised unless the Governor
18 provides a minimum of 30 days' written notice that the
19 Governor is considering granting the commutation. The notice
20 shall be provided to all of the following:

21 "a. The Attorney General.

22 "b. The victim's immediate family, or if there is no
23 immediate family, the victim's next of kin.

24 "c. The judge who presided over the trial of the
25 person under sentence of death; provided, if the judge is no
26 longer serving, the notice shall be given to the presiding
27 judge of the circuit.

1 "d. The district attorney of the county in which the
2 person under sentence of death was convicted.

3 "e. If the crime which resulted in the sentence of
4 death was committed in the police jurisdiction of a
5 municipality, the chief of police of the municipality, if any.

6 "f. The sheriff of the county in which the person
7 under sentence of death was convicted.

8 "g. If the crime which resulted in the sentence of
9 death was committed in a county different from the county of
10 conviction, the district attorney and sheriff of the county in
11 which the crime was committed.

12 "h. The Crime Victims Compensation Commission, or
13 its successor.

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

19 "(c) No pardon shall relieve from civil and
20 political disabilities unless specifically expressed in the
21 pardon."

22 END OF PROPOSED AMENDMENT.

23 Section 2. An election upon the proposed amendment
24 shall be held in accordance with Sections 284 and 285 of the
25 Constitution of Alabama of 1901, now appearing as Sections 284
26 and 285 of the Official Recompilation of the Constitution of

1 Alabama of 1901, as amended, and the election laws of this
2 state.

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

8 "Proposing an amendment to Amendment 38 of the
9 Constitution of Alabama of 1901, now appearing as Section 124
10 of the Official Recompilation of the Constitution of Alabama
11 of 1901, as amended, relating to the authority of the Governor
12 to grant reprieves and commutations to persons under sentence
13 of death; to require the Governor to give a minimum of 30
14 days' written notice to certain persons prior to granting a
15 commutation to a person under a sentence of death.

16 "Proposed by Act _____."

17 This description shall be followed by the following
18 language:

19 "Yes () No ()."