HB282

199644-3

By Representatives Brown (C), Stringer, Oliver, Robertson, Faust, Easterbrook, Reynolds, Marques, Simpson, Isbell, Lipscomb, Moore (P), Estes, Kiel, Dismukes, Whitt and Sorrells (Constitutional Amendment)

RFD: Judiciary

First Read: 21-MAR-19
A BILL
TO BE ENTITLED
AN ACT

To propose an amendment to Section 16 of the Constitution of Alabama of 1901, now appearing as Section 16 of the Official Recompilation of the Constitution of Alabama 1901, as amended, to provide that every person charged with a crime, before conviction, be allowed bail by sufficient sureties, unless the person is charged with a Class A felony, when the proof is evident or the presumption is great, if no conditions of release can reasonably protect the community from risk of physical harm to the accused, the public, or both, ensure the presence of the accused at trial.

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

"Section 16.
"That all persons shall, before conviction, be bailable by sufficient sureties, except for capital offenses. If no condition of release can reasonably protect the community from risk of physical harm to the accused, the public, or both, or ensure the presence of the accused at trial, or ensure the integrity of the judicial process, the accused may be detained without bail. Excessive bail shall not in any case be imposed or required."

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 provide that all persons charged with a crime, before conviction, be allowed bail, unless the person is charged with a Class A felony offense listed in Chapter 6 or Title 13A, when the proof of guilt is evident or the presumption of guilt is great and to allow the denial of bail
if no condition of release can reasonably protect the
community from risk of physical harm to the accused, the
public, or both, ensure the presence of the accused at trial or
ensure the integrity of the judicial process.

"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 Judiciary ........ 21-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................................. 21-MAY-19

Yeas 92, Nays 3, Abstains 5

Jeff Woodard
Clerk