HB81

203879-5

By Representatives Brown (C), Stringer, Treadaway, Lovvorn, Simpson, Stadthagen, Farley, Standridge, Wadsworth, Wilcox, Fincher, Whitt, Sanderford, Smith, Sorrells, Marques, Allen, Kitchens, Shedd, Weaver and Estes (Constitutional Amendment)

RFD: Judiciary

First Read: 04-FEB-20

PFD: 02/03/2020
SYNOPSIS: The existing Constitution of Alabama of 1901, provides that all persons, before conviction, are allowed bail, unless the person is charged with a capital offense and the proof of guilt is evident or the presumption of guilt is great. The Constitution also provides that excessive bail may not be required in any case.

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 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.
A BILL

TO BE ENTITLED

AN ACT

To create Aniah's Law, 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, or ensure the presence of the accused at trial.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This amendment shall be known and may be cited as Aniah's Law.

Section 2. 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 Class A felonies listed in Chapter 6 of Title 13A, when the proof is evident or the presumption great; and that excessive 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, the accused may be detained without bail. Excessive bail shall not in any case be imposed or required."

Section 3. 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 4. 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, or ensure the presence of the accused at
trial."

"Proposed by Act ________." 

This description shall be followed by the following
language:

"Yes ( )  No ( )."