SB196
217090-2
By Senators Livingston and Givhan (Constitutional Amendment)
RFD: Governmental Affairs
First Read: 08-FEB-22
ENROLLED, An Act,

Proposing an amendment to Amendment 38 of the Constitution of Alabama of 1901, now appearing as Section 124 of the Recompilation of the Constitution of Alabama of 1901, as amended; to require the Governor to provide notice to interested parties prior to granting a reprieve or commutation; to provide for the voiding of a reprieve or commutation.

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

(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 reprieve or commutation under subdivision (1) shall not be exercised until the Governor has notified the Attorney General and has made
reasonable efforts to notify a designated member of the victim's family, whose mailing address, e-mail, and phone number have been provided to the Governor by the Attorney General for this purpose.

(3) Failure to provide the required notification under subdivision (2) shall void the reprieve or commutation, and the Attorney General may seek a new execution order from the Alabama Supreme Court as provided under existing law.

(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 sentence and to order probation.

(c) No pardon shall relieve a person from civil and political disabilities unless specifically expressed in the pardon.

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 require the Governor to provide notice to
the Attorney General and to the victim's family prior to
granting a reprieve or commutation to a person sentenced to
death, and to void the reprieve or commutation if the Governor
fails to provide notice.

"Proposed by Act ________."
President and Presiding Officer of the Senate

Speaker of the House of Representatives

Patrick Harris,
Secretary.

By: Senator Livingston