

1 SB196  
2 217090-1  
3 By Senators Livingston and Givhan (Constitutional Amendment)  
4 RFD: Governmental Affairs  
5 First Read: 08-FEB-22

SYNOPSIS: Under existing law, the Governor does not have to provide notice to any party prior to granting a reprieve and commutation to a person sentenced to death.

This proposed amendment would require the Governor to make reasonable efforts to provide notice to the Attorney General and a designated member of the victim's family prior to granting a reprieve or commutation to a person under sentence of death.

This proposed amendment would also provide for the voiding of a reprieve or commutation upon failure of the Governor to provide notice.

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

1 of the Recompileation of the Constitution of Alabama of 1901,  
2 as amended; to require the Governor to provide notice to  
3 interested parties prior to granting a reprieve or  
4 commutation; to provide for the voiding of a reprieve or  
5 commutation.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

13 PROPOSED AMENDMENT

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

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

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

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

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

9           Section 2. An election upon the proposed amendment  
10 shall be held in accordance with Sections 284 and 285 of the  
11 Constitution of Alabama of 1901, now appearing as Sections 284  
12 and 285 of the Official Recompilation of the Constitution of  
13 Alabama of 1901, as amended, and the election laws of this  
14 state.

15           Section 3. The appropriate election official shall  
16 assign a ballot number for the proposed constitutional  
17 amendment on the election ballot and shall set forth the  
18 following description of the substance or subject matter of  
19 the proposed constitutional amendment:

20           "Proposing an amendment to the Constitution of  
21 Alabama of 1901, to require the Governor to provide notice to  
22 the Attorney General and to the victim's family prior to  
23 granting a reprieve or commutation to a person sentenced to  
24 death, and to void the reprieve or commutation if the Governor  
25 fails to provide notice.

26           "Proposed by Act \_\_\_\_\_."

1                    This description shall be followed by the following  
2    language:  
3                    "Yes ( ) No ( )."