

1 HB280
2 116521-1
3 By Representatives Coleman, Todd, Hilliard, Moore (M), Rogers,
4 Robinson (O), Baker (L), Buskey, Gordon, Boyd, McAdory,
5 Warren, England and McClammy
6 RFD: Judiciary
7 First Read: 14-JAN-10

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8 SYNOPSIS: Under existing law, the execution of a
9 death sentence is performed by the warden of
10 William C. Holman Prison, or his or her deputy, by
11 electrocution at Atmore, Alabama.

12 This bill would place a moratorium on the
13 death penalty for a period of three years until
14 certain procedures are implemented to ensure that
15 death penalty cases are administered fairly and
16 impartially.

17
18 A BILL
19 TO BE ENTITLED
20 AN ACT

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22 Relating to the death penalty; providing for a
23 moratorium on the imposition and execution of the death
24 penalty; and providing for the implementation of certain
25 procedures for imposing the death sentence.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. (a) There shall be a moratorium of three
2 years on the imposition or execution, or both, of the death
3 penalty pursuant to Article 2 of Chapter 5 of Title 13 of the
4 Code of Alabama 1975.

5 (b) During the moratorium provided in subsection
6 (a), the following procedures shall be implemented to ensure
7 that death penalty cases are administered fairly and
8 impartially, in accordance with due process, and to minimize
9 the risk of innocent persons being executed:

10 (1) The American Bar Association Guidelines for the
11 Appointment and Performance of Counsel in Death Penalty Cases.

12 (2) Due process procedures to preserve and enhance
13 state post conviction relief in death sentence cases.

14 (3) Procedures to eliminate discrimination in
15 capital sentencing on the basis of race of either the victim
16 or defendant.

17 (4) Due process procedures to prevent the execution
18 of mentally retarded persons and persons who were under the
19 age of 18 at the time of the offense.

20 Section 2. This act shall become effective on the
21 first day of the third month following its passage and
22 approval by the Governor, or its otherwise becoming law.