

1 SB218
2 96526-1
3 By Senator Sanders
4 RFD: Judiciary
5 First Read: 12-JAN-10

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8 SYNOPSIS: Under Article VIII of the Constitution of
9 Alabama of 1901, now appearing as Article VIII,
10 Section 177 of the Official ReCompilation of the
11 Constitution of Alabama of 1901, as amended, a
12 citizen loses the right to vote if convicted of a
13 felony involving moral turpitude.

14 This bill would create the Definition of
15 Moral Turpitude Act.

16 This bill would provide for legislative
17 findings and purposes and would provide a
18 definition of moral turpitude that lists the crimes
19 which disqualify otherwise eligible citizens from
20 voting.

21
22 A BILL
23 TO BE ENTITLED
24 AN ACT

25
26 To create the Definition of Moral Turpitude Act; to
27 provide for legislative findings and purposes; and to provide

1 further for Chapter 3 of Title 17 of the Code of Alabama 1975,
2 by adding a new Section 17-3-30.1 to list the offenses that
3 constitute a felony involving moral turpitude.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. This act shall be known and may cited as
6 the Definition of Moral Turpitude Act.

7 Section 2. (a) The Legislature finds that:

8 (1) Article VIII of the Constitution of Alabama of
9 1901, now appearing as Article VIII, Section 177 of the
10 Official Recompilation of the Constitution of Alabama of 1901,
11 as amended, provides that Alabama citizens shall lose the
12 right to vote because of a criminal conviction only if the
13 conviction was for a "felony involving moral turpitude."

14 (2) Under current Alabama felony disenfranchisement
15 law, there is no comprehensive list of disqualifying felonies.
16 Neither individuals with felony convictions, nor elections
17 officials, have any authoritative source for determining which
18 convictions result in disenfranchisement.

19 (3) In the absence of an authoritative list of
20 disqualifying offenses, many eligible Alabama citizens have
21 been unlawfully excluded from the franchise. It is now widely
22 documented that many county registrars have denied voting
23 rights to all otherwise-eligible voters with a felony
24 conviction, whether or not the conviction involved moral
25 turpitude.

26 (4) In 2006, the Circuit Court of Jefferson County,
27 Alabama, ruled that Alabama's practices violate the United

1 States Constitution as well as the Alabama Constitution by
2 relying on a vague standard for denying voting rights. The
3 circuit court called on the Legislature to remedy those
4 violations by precisely defining which crimes disqualify
5 otherwise-eligible citizens from voting.

6 (b) The purposes of this act are: (1) to give full
7 effect to Article VIII of the Constitution of Alabama of 1901,
8 now appearing as Article VIII, Section 177 of the Official
9 Recompilation of the Constitution of Alabama of 1901, as
10 amended, (2) to remedy ongoing constitutional violations under
11 current law, and (3) to ensure that no one is wrongfully
12 excluded from the franchise.

13 Section 3. Section 17-3-30.1 is added to Chapter 3,
14 Title 17, Code of Alabama 1975, to read as follows:

15 §17-3-30.1.

16 For purposes of Article VIII of the Constitution of
17 Alabama of 1901, now appearing as Article VIII, Section 177 of
18 the Official Recompilation of the Constitution of Alabama of
19 1901, as amended, a person is disqualified to vote by reason
20 of conviction of a "felony involving moral turpitude" which
21 includes only the following offenses committed in a degree
22 constituting a felony:

23 (1) Impeachment as defined in Article VII of the
24 Official Recompilation of the Constitution of Alabama of 1901.

25 (2) Murder as defined in Section 13A-6-2.

26 (3) Rape as defined in Sections 13A-6-61 and
27 13A-6-62.

1 (4) Sodomy as defined in Sections 13A-6-63 and
2 13A-6-64.

3 (5) Sexual abuse as defined in Sections 13A-6-66 and
4 13A-6-69.1.

5 (6) Incest as defined in Section 13A-13-3.

6 (7) Sexual torture as defined in Section 13A-6-65.1.

7 (8) Enticing a child to enter a vehicle for immoral
8 purposes as defined in Section 13A-6-69.

9 (9) Soliciting a child by computer as defined in
10 Section 13A-6-110.

11 (10) Production of obscene matter involving a minor
12 as defined in Section 13A-12-197.

13 (11) Production of obscene matter as defined in
14 Section 13A-12-200.2.

15 (12) Parents or guardians permitting children to
16 engage in obscene matter as defined in Section 13A-12-196.

17 (13) Possession of obscene matter as defined in
18 Section 13A-12-200.2.

19 (14) Possession with intent to distribute child
20 pornography as defined in Section 13A-12-192.

21 (15) Treason as defined in Section 13A-11-2.

22 Section 4. This act shall become effective on the
23 first day of the third month following its passage and
24 approval by the Governor, or its otherwise becoming law.