

1 HB319
2 127401-1
3 By Representative Coleman
4 RFD: Judiciary
5 First Read: 22-MAR-11

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8 SYNOPSIS: This bill would place a moratorium on the
9 death penalty for a period of three years until
10 certain procedures are implemented to ensure that
11 death penalty cases are administered fairly and
12 impartially.

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14 A BILL
15 TO BE ENTITLED
16 AN ACT

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18 Relating to the death penalty; providing for a
19 moratorium on the imposition and execution of the death
20 penalty; and providing for the implementation of certain
21 procedures for imposing the death sentence.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

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

8 (2) Due process procedures to preserve and enhance
9 state post-conviction relief in death sentence cases.

10 (3) Procedures to eliminate discrimination in
11 capital sentencing on the basis of race of either the victim
12 or defendant.

13 (4) Due process procedures to prevent the execution
14 of persons with intellectual disabilities and persons who were
15 under the age of 18 at the time of the offense.

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