

1 HB210  
2 127401-2  
3 By Representative Coleman-Evans  
4 RFD: Judiciary  
5 First Read: 07-FEB-13

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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 13A 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 Defense Counsel in Death  
8 Penalty Cases.

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

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

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

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