

1 SB104  
2 144249-1  
3 By Senators Orr and Pittman (Constitutional Amendment)  
4 RFD: Constitution, Campaign Finance, Ethics, and Elections  
5 First Read: 05-FEB-13

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8 SYNOPSIS: Under Section 56 of the Constitution of  
9 Alabama of 1901, now appearing as Section 56 of the  
10 Official Recompilation of the Constitution of  
11 Alabama of 1901, as amended, members of the  
12 Legislature in all cases, except treason, felony,  
13 violation of their oath of office, and breach of  
14 the peace, are privileged from arrest during their  
15 attendance at a session and in going to and  
16 returning from a session. Speech and debate by  
17 members of the Legislature made in either house is  
18 also privileged.

19 This bill would propose an amendment to  
20 Section 56 to eliminate the privilege from arrest.

21  
22 A BILL  
23 TO BE ENTITLED  
24 AN ACT

25  
26 Proposing an amendment to Section 56 of the  
27 Constitution of Alabama of 1901, now appearing as Section 56

1 of the Official Recompilation of the Constitution of Alabama  
2 of 1901, as amended, relating to legislative immunity; to  
3 eliminate the privilege from arrest.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

11 PROPOSED AMENDMENT

12 Section 56 of the Constitution of Alabama of 1901,  
13 now appearing as Section 56 of the Official Recompilation of  
14 the Constitution of Alabama of 1901, as amended, is amended to  
15 read as follows:

16 "Members of the legislature shall, ~~in all cases,~~  
17 ~~except treason, felony, violation of their oath of office, and~~  
18 ~~breach of the peace,~~ be privileged from arrest during their  
19 attendance at the session of their respective houses, and in  
20 going to and returning from the same; and for any speech or  
21 debate made in either house, and such speech and debate shall  
22 not be questioned in any other place."

23 Section 2. An election upon the proposed amendment  
24 shall be held in accordance with Sections 284 and 285 of the  
25 Constitution of Alabama of 1901, now appearing as Sections 284  
26 and 285 of the Official Recompilation of the Constitution of

1 Alabama of 1901, as amended, and the election laws of this  
2 state.

3 Section 3. The appropriate election official shall  
4 assign a ballot number for the proposed constitutional  
5 amendment on the election ballot and shall set forth the  
6 following description of the substance or subject matter of  
7 the proposed constitutional amendment:

8 "Proposing an amendment to the Constitution of  
9 Alabama of 1901, to eliminate legislative immunity from arrest  
10 while attending legislative sessions and going to and from  
11 such sessions.

12 "Proposed by Act \_\_\_\_\_."

13 This description shall be followed by the following  
14 language:

15 "Yes ( ) No ( )."