

1 SB97  
2 147434-4  
3 By Senators Orr, Marsh, McGill, Keahey, Figures, Dunn, Irons,  
4 Coleman, Scofield, Beason, Williams and Smitherman  
5 RFD: Judiciary  
6 First Read: 05-FEB-13

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4 ENGROSSED

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7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

10  
11 Relating to pardons and paroles, to establish  
12 procedures for the consideration of posthumous pardons of  
13 certain felons by the State Board of Pardons and Paroles.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. This act may be known and cited as "The  
16 Scottsboro Boys Act."

17 Section 2. The purpose of this act is to establish a  
18 process for the consideration of posthumous pardons by the  
19 State Board of Pardons and Paroles for certain felons.

20 Section 3. The following words shall have the  
21 following meanings:

22 (1) BOARD. State Board of Pardons and Paroles.

23 (2) CANDIDATE. A person who is considered for a  
24 posthumous pardon.

25 (3) PETITION. A document signed by a petitioner  
26 requesting the posthumous pardon of a person.

1           (4) PETITIONER. A judge in the judicial circuit  
2 where the person was tried and convicted or the district  
3 attorney in the person's county of conviction.

4           (5) POSTHUMOUS PARDON. A pardon granted by the State  
5 Board of Pardons and Paroles to certain deceased felons.

6           Section 4. (a) A person convicted of a Class A or  
7 Class B felony in this state shall be a candidate for a  
8 posthumous pardon if all of the following conditions are  
9 satisfied:

10           (1) He or she is deceased.

11           (2) The person's circumstances of conviction provide  
12 a compelling reason or reasons to consider granting a  
13 posthumous pardon to remedy social injustice associated with  
14 racial discrimination.

15           (3) He or she did not receive a pardon for his or  
16 her felony conviction at issue from this state while living.

17           (4) The acts forming the basis for his or her felony  
18 conviction or convictions at issue were committed at least 80  
19 years prior to the date of the petition.

20           (b) A petitioner may petition the board to consider  
21 granting a posthumous pardon for a specific compelling reason  
22 or reasons for the purpose of remedying social injustice  
23 associated with racial discrimination evident by the person's  
24 circumstances of conviction.

25           (c) (1) The petition shall include attestations of  
26 all of the following:

1           a. That the petitioner is an eligible petitioner  
2 under this act.

3           b. That the petitioner has personally conducted an  
4 intelligent evaluation of the person's case.

5           c. The compelling reason or reasons for which the  
6 petitioner requests a posthumous pardon for the purpose of  
7 remedying social injustice associated with racial  
8 discrimination evident by the person's circumstances of  
9 conviction.

10          d. That all information contained in the petition  
11 and any supporting documentation or evidence submitted by the  
12 petitioner is believed to be true and accurate.

13           (2) The petition shall also include supporting  
14 documentation or evidence of the compelling reason or reasons  
15 supporting the award of a posthumous pardon.

16           (d) The board shall have no power to grant a  
17 posthumous pardon unless the petition specifies a compelling  
18 reason or reasons for which the petitioner seeks application  
19 for the candidate's posthumous pardon to remedy social  
20 injustice associated with racial discrimination evident by the  
21 person's circumstances of conviction.

22           (e) Following receipt and review of the petition and  
23 supporting documentation or evidence, the board shall conduct  
24 a hearing on the petition. The board shall not be required to  
25 conduct an investigation to consider or grant a posthumous  
26 pardon in accordance with this act, but may rely on the  
27 written petition and accompanying documentation or evidence,

1 along with evidence presented at the hearing. The petitioner,  
2 public officials, and other witnesses, including members of  
3 the public may testify and present evidence at the hearing in  
4 support of or in opposition to the petition. The board shall  
5 hold ultimate discretion in granting a posthumous pardon. Upon  
6 the unanimous affirmative vote of the board, a posthumous  
7 pardon may be issued.

8 (f) The notification requirements of Sections  
9 15-22-23 and 15-22-36, Code of Alabama 1975, shall not apply  
10 to this act, and the board's power to grant posthumous pardons  
11 shall not otherwise be limited by Sections 15-22-23 and  
12 15-22-36, Code of Alabama 1975. The board shall provide  
13 general notice of a posthumous pardon hearing by publicly  
14 posting on the state agency website the name of the posthumous  
15 pardon candidate along with the date, time, and location of  
16 the hearing.

17 Section 5. For the public welfare, a pardon granted  
18 by the board pursuant to this act shall not require formal  
19 delivery to and acceptance by the candidate's family or legal  
20 heirs in order to be considered valid.

21 Section 6. Nothing in this act, nor any  
22 determination made by the Alabama Board of Pardons and Paroles  
23 pursuant to this act, shall give rise to any liability from  
24 any act or omission of any governmental entity or otherwise  
25 give rise to any legal claim, suit, or action, including for  
26 reparations to a surviving family member of a person pardoned  
27 under this act or to a posthumously pardoned person's estate.

1 All Board of Pardons and Paroles' files and records created  
2 and maintained pursuant to this act shall be subject to the  
3 absolute governmental privilege created by subsection  
4 15-22-36(b), Code of Alabama 1975.

5 Section 7. This act shall become effective on the  
6 first day of the third month following its passage and  
7 approval by the Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate  
committee on Judiciary..... 05-FEB-13

Read for the second time and placed on the calen-  
dar 1 amendment..... 14-FEB-13

Read for the third time and passed as amended .... 21-FEB-13

Yeas 29  
Nays 0

Patrick Harris  
Secretary