

1 HB336
2 163387-2
3 By Representatives Givan, Davis and Shedd (Constitutional
4 Amendment)
5 RFD: Constitution, Campaigns and Elections
6 First Read: 19-MAR-15

1 Agriculture and Industries, and justices of the supreme court
2 may be removed from office for willful neglect of duty,
3 corruption in office, incompetency, or intemperance in the use
4 of intoxicating liquors or narcotics to such an extent, in
5 view of the dignity of the office and importance of its
6 duties, as unfits the officer for the discharge of such
7 duties, or for any offense involving moral turpitude while in
8 office, or committed under color thereof, or connected
9 therewith.

10 (b) The House of Representatives shall ~~present~~
11 prefer articles or charges of impeachment against those
12 persons identified in subsection (a), specifying the cause to
13 the Senate.

14 (c) The Senate, sitting as a court of impeachment,
15 shall take testimony under oath on articles or charges
16 preferred by the House of Representatives.

17 (d) The Lieutenant Governor shall preside over the
18 Senate when sitting as a court of impeachment, provided,
19 however, that if the Governor or Lieutenant Governor is
20 impeached, the Chief Justice, or if the Chief Justice be
21 absent or disqualified, then one of the associate justices of
22 the supreme court, to be selected by the court, shall preside
23 over the Senate when sitting as a court of impeachment. No
24 person may be convicted by the Senate sitting as a court of
25 impeachment without the concurrence of two-thirds of the
26 members present.

1 (e) If at any time when the Legislature is not in
2 session, a majority of all the members elected to the House of
3 Representatives shall certify in writing to the Secretary of
4 State their desire to meet to consider the impeachment of the
5 Governor, Lieutenant Governor, or other officer administering
6 the office of Governor, it shall be the duty of the Secretary
7 of State immediately to notify the Speaker of the House who,
8 within 10 days after receipt of the notice, shall summon the
9 members of the House to assemble at the capitol on a day to be
10 fixed by the Speaker, but not later than 15 days after receipt
11 of the notice by the Speaker from the Secretary of State, to
12 consider the impeachment of the Governor, Lieutenant Governor,
13 or other officer administering the office of Governor.

14 (f) If the House of Representatives prefers articles
15 of impeachment, the Speaker of the House shall forthwith
16 notify the Lieutenant Governor, unless he or she is the
17 officer impeached, in which event the President Pro Tempore of
18 the Senate shall be notified, who shall summon the members of
19 the Senate to assemble at the capitol on a specified day not
20 later than 10 days after receipt of the notice from the
21 Speaker of the House, for the purpose of hearing and trying
22 the articles of impeachment against the Governor, Lieutenant
23 Governor, or other officer administering the office of
24 Governor, as may be preferred by the House of Representatives.

25 Section 174.

26 The judges of the district and circuit courts,
27 judges of the probate courts, and judges of other courts from

1 which an appeal may be taken directly to the supreme court,
2 district attorneys, and sheriffs, may be removed from office
3 for any of the causes specified in Section 173 or elsewhere in
4 this constitution, by the supreme court, or under such
5 regulations as may be prescribed by rule of the Supreme Court
6 of Alabama or law. The Legislature may provide for the
7 impeachment or removal of other officers than those named in
8 this article.

9 Section 175.

10 A county officer and officer of an incorporated city
11 or town may be tried for impeachment for any of the causes
12 specified in Section 173 and upon conviction be removed from
13 office by a court having jurisdiction to try felony cases in
14 the county or circuit in which the officer holds his or her
15 office. The Legislature shall provide by law the method of
16 proceeding under this section, provided the right to trial by
17 jury and appeal in such cases shall be secured.

18 Section 176.

19 The penalties in cases arising under this article
20 does not extend beyond removal from office, and
21 disqualifications from holding office, under the authority of
22 this state, for the term for which the officer was elected or
23 appointed; but the accused shall be liable to indictment and
24 punishment as prescribed by law.

25 III. This amendment shall become operative on
26 January 1, 2017.

1 Section 2. An election upon the proposed amendment
2 shall be held in accordance with Sections 284 and 285 of the
3 Constitution of Alabama of 1901, now appearing as Sections 284
4 and 285 of the Official ReCompilation of the Constitution of
5 Alabama of 1901, as amended, and the election laws of this
6 state.

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

12 "Proposing an amendment to the Constitution of
13 Alabama of 1901, to become operative January 1, 2017, to
14 repeal and replace Article VII, Impeachments.

15 "Proposed by Act _____."

16 This description shall be followed by the following
17 language:

18 "Yes () No ()."

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Constitution,
Campaigns and Elections..... 19-MAR-15

Read for the second time and placed
on the calendar 1 amendment 02-APR-15

Read for the third time and passed
as amended..... 09-APR-15

Yeas 79, Nays 2, Abstains 14

Jeff Woodard
Clerk