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3 HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR HB282
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8 SYNOPSIS: The existing Constitution of Alabama of
9 1901, provides that all persons, before conviction,
10 are allowed bail, unless the person is charged with
11 a capital offense and the proof of guilt is evident
12 or the presumption of guilt is great and that
13 excessive bail may not be required in any case.

14 This bill would propose an amendment to the
15 Constitution of Alabama of 1901, that would allow
16 bail, unless a person is charged with a Class A
17 felony and proof is evident or the presumption of
18 guilt is great.

19 The amendment also would allow bail to be
20 denied if no condition of release can reasonably
21 protect the community from risk of physical harm to
22 the accused, the public, or both, ensure the
23 presence of the accused at trial, or ensure the
24 integrity of the judicial process.

25
26 A BILL
27 TO BE ENTITLED

1 AN ACT

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3 To propose an amendment to Section 16 of the
4 Constitution of Alabama of 1901, now appearing as Section 16
5 of the Official ReCompilation of the Constitution of Alabama
6 1901, as amended, to provide that every person charged with a
7 crime, before conviction, be allowed bail by sufficient
8 sureties, unless the person is charged with a Class A felony,
9 when the proof is evident or the presumption is great, if no
10 conditions of release can reasonably protect the community
11 from risk of physical harm to the accused, the public, or
12 both, ensure the presence of the accused at trial, or ensure
13 the integrity of the judicial process.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. The following amendment to the
16 Constitution of Alabama of 1901, as amended, is proposed and
17 shall become valid as a part thereof when approved by a
18 majority of the qualified electors voting thereon and in
19 accordance with Sections 284, 285, and 287 of the Constitution
20 of Alabama of 1901, as amended:

21 PROPOSED AMENDMENT

22 "Section 16.

23 "That all persons shall, before conviction, be
24 bailable by sufficient sureties, except for ~~capital offenses~~
25 Class A felonies, when the proof is evident or the presumption
26 great; and that excessive. If no condition of release can
27 reasonably protect the community from risk of physical harm to

1 the accused, the public, or both, ensure the presence of the
2 accused at trial, or ensure the integrity of the judicial
3 process, the accused may be detained without bail. Excessive
4 bail shall not in any case be imposed or required."

5 Section 2. An election upon the proposed amendment
6 shall be held in accordance with Sections 284 and 285 of the
7 Constitution of Alabama of 1901, now appearing as Sections 284
8 and 285 of the Official Recompilation of the Constitution of
9 Alabama of 1901, as amended, and the election laws of this
10 state.

11 Section 3. The appropriate election official shall
12 assign a ballot number for the proposed constitutional
13 amendment on the election ballot and shall set forth the
14 following description of the substance or subject matter of
15 the proposed constitutional amendment:

16 "Proposing an amendment to the Constitution of
17 Alabama of 1901, to provide that all persons charged with a
18 crime, before conviction, be allowed bail, unless the person
19 is charged with a Class A felony, when the proof of guilt is
20 evident or the presumption of guilt is great and to allow the
21 denial of bail if no condition of release can reasonably
22 protect the community from risk of physical harm to the
23 accused, the public, or both, ensure the presence of the
24 accused at trial, or ensure the integrity of the judicial
25 process.

26 "Proposed by Act _____."

1 This description shall be followed by the following
2 language:
3 "Yes () No ()."