

1 HB113
2 204439-1
3 By Representative Brown (C)
4 RFD: Judiciary
5 First Read: 04-FEB-20

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8 SYNOPSIS: Under existing law, a person may only be
9 denied bail if he or she is charged with an offense
10 punishable by death.

11 This bill would provide additional offenses
12 that would require mandatory denial of bail.

13 This bill would also make nonsubstantive,
14 technical revisions to update the existing code
15 language to current style.

16
17 A BILL
18 TO BE ENTITLED
19 AN ACT

20
21 Relating to bail, to amend Sections 15-13-2 and
22 15-13-3, Code of Alabama 1975, to provide for additional
23 offenses that would require mandatory denial of bail; and to
24 make nonsubstantive, technical revisions to update the
25 existing code language to current style.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Sections 15-13-2 and 15-13-3, Code of
2 Alabama 1975, are amended to read as follows:

3 "§15-13-2.

4 "In all cases other than those specified in
5 ~~subsection (a) of Section 15-13-3, a defendant is, before~~
6 conviction, entitled to bail as a matter of right.

7 "§15-13-3.

8 "~~(a) A defendant cannot be admitted to bail when he~~
9 ~~is charged with an offense which may be punished by death if~~
10 ~~the court is of the opinion, on the evidence adduced, that he~~
11 ~~is guilty of the offense in the degree punishable capitally,~~
12 ~~nor when he is charged with a personal injury to another which~~
13 ~~is likely to produce death and which was committed under~~
14 ~~circumstances such as would, if death arises from such injury,~~
15 ~~constitute an offense which may be punished by death. Bail~~
16 ~~shall be denied by a court when a defendant is charged with~~
17 ~~any of the following offenses:~~

18 "(1) A capital offense, as provided in Section
19 13A-5-40.

20 "(2) An offense that caused injury to another, is
21 likely to cause the death of that person, and, if death
22 occurs, would constitute a capital offense, as provided in
23 Section 13A-5-40.

24 "(3) Any Class A felony listed in Chapter 6 of Title
25 13A.

26 "(b) In cases ~~punishable capitally~~ where bail is
27 denied pursuant to subsection (a), the defendant is entitled

1 to bail as a matter of right when the state, after the finding
2 of the indictment, has continued the case twice, without ~~his~~
3 the defendant's consent, for the testimony of absent
4 witnesses.

5 ~~"In such case, if the indictment is dismissed, the~~
6 ~~defendant, on application for bail, is entitled to the benefit~~
7 ~~of any continuance had upon such indictment by the state for~~
8 ~~absent witnesses; and, if another indictment is not found at~~
9 ~~the same court at which the former is dismissed, the order of~~
10 ~~dismissal is to be taken as a continuance by the state for~~
11 ~~absent witnesses."~~

12 Section 2. This act shall become effective
13 immediately upon the ratification of the amendment to the
14 Constitution of Alabama of 1901, to provide that an individual
15 is entitled to reasonable bail prior to conviction, unless
16 charged with a crime enumerated by the Legislature in general
17 law proposed in HB ___ of the 2020 Regular Session.