

1 SB59  
2 204009-1  
3 By Senators Ward, Butler and Whatley (Constitutional  
4 Amendment)  
5 RFD: Judiciary  
6 First Read: 04-FEB-20  
7 PFD: 01/30/2020

SYNOPSIS:           The Constitution of Alabama of 1901,  
provides that all individuals charged with a crime  
are allowed bail before conviction, unless the  
person is charged with a capital offense and the  
proof of guilt is evident or the presumption of  
guilt is great and also prohibits excessive bail.

                  This bill would propose an amendment to the  
Constitution of Alabama of 1901, that would require  
reasonable bail in all cases, except for offenses  
enumerated by the Legislature by general law.

A BILL  
TO BE ENTITLED  
AN ACT

To propose an amendment to Section 16 of the  
Constitution of Alabama of 1901, now appearing as Section 16  
of the Official Recompilation of the Constitution of Alabama  
1901, as amended, to provide that all individuals shall be

1 entitled to reasonable bail prior to conviction, except for  
2 offenses enumerated by the Legislature by general law.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

10 PROPOSED AMENDMENT

11 "Section 16.

12 ~~"That all persons~~ Any individual charged with a  
13 crime is shall entitled to reasonable bail, before prior to  
14 conviction, be bailable by sufficient sureties, except for  
15 capital offenses, when the proof is evident or the presumption  
16 great; and that excessive bail shall not in any case be  
17 required unless charged with a crime enumerated by the  
18 Legislature by general law."

19 Section 2. An election upon the proposed amendment  
20 shall be held in accordance with Sections 284 and 285 of the  
21 Constitution of Alabama of 1901, now appearing as Sections 284  
22 and 285 of the Official Recompilation of the Constitution of  
23 Alabama of 1901, as amended, and the election laws of this  
24 state.

25 Section 3. The appropriate election official shall  
26 assign a ballot number for the proposed constitutional  
27 amendment on the election ballot and shall set forth the

1 following description of the substance or subject matter of  
2 the proposed constitutional amendment:

3 Proposing an amendment to the Constitution of  
4 Alabama of 1901, to provide that an individual is entitled to  
5 reasonable bail prior to conviction, unless charged with a  
6 crime enumerated by the Legislature in general law."

7 "Proposed by Act \_\_\_\_\_."

8 This description shall be followed by the following  
9 language:

10 "Yes ( ) No ( )."