

1 SB60  
2 203637-2  
3 By Senators Ward, Butler and Whatley  
4 RFD: Judiciary  
5 First Read: 04-FEB-20  
6 PFD: 01/30/2020

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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 which may be punished 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 occurs  
22 would constitute a capital offense, as provided in Section  
23 13A-5-40.

24           "(3) Murder, as provided in Section 13A-6-2.

25           "(4) Kidnapping in the first degree, as provided in  
26 Section 13A-6-43.

1           "(5) Kidnapping in the second degree, as provided in  
2 Section 13A-6-44.

3           "(6) Rape in the first degree, as provided in  
4 Section 13A-6-61.

5           "(7) Sodomy in the first degree, as provided in  
6 Section 13A-6-63.

7           "(8) Sexual torture, as provided in Section  
8 13A-6-65.1.

9           "(9) Sexual abuse in the first degree, as provided  
10 in Section 13A-6-66.

11           "(10) Human trafficking in the first degree, as  
12 provided in Section 13A-6-152.

13           "(b) In cases ~~punishable capitally~~ where bail is  
14 denied pursuant to subsection (a), the defendant is entitled  
15 to bail as a matter of right when the state, after the finding  
16 of the indictment, has continued the case twice, without ~~his~~  
17 the defendant's consent, for the testimony of absent  
18 witnesses.

19           ~~"In such case, if the indictment is dismissed, the~~  
20 ~~defendant, on application for bail, is entitled to the benefit~~  
21 ~~of any continuance had upon such indictment by the state for~~  
22 ~~absent witnesses; and, if another indictment is not found at~~  
23 ~~the same court at which the former is dismissed, the order of~~  
24 ~~dismissal is to be taken as a continuance by the state for~~  
25 ~~absent witnesses.~~

26           Section 2. This act shall become effective  
27 immediately upon the ratification of the amendment to the

1        Constitution of Alabama of 1901, to provide that an individual  
2        is entitled to reasonable bail prior to conviction, unless  
3        charged with a crime enumerated by the Legislature in general  
4        law proposed in SB \_\_\_ of the 2020 Regular Session.