

1 HB131
2 208002-2
3 By Representatives Brown (C), Stringer, Wilcox, Lovvorn,
4 Estes, Oliver, Robertson, Simpson, Sells, Treadaway, Collins,
5 Sullivan, Ellis, Blackshear, Whitt, Moore (P), Kitchens,
6 Pettus, Ball, Wheeler, Marques, Gaston, Sorrells, Baker,
7 Reynolds, Allen and Shedd (Constitutional Amendment)
8 RFD: Judiciary
9 First Read: 02-FEB-21
10 PFD: 01/26/2021

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

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

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19 A BILL
20 TO BE ENTITLED
21 AN ACT
22

23 To propose an amendment to Section 16 of the
24 Constitution of Alabama of 1901, now appearing as Section 16
25 of the Official ReCompilation of the Constitution of Alabama
26 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 Part I. This amendment shall be known and may be
12 cited as Aniah's Law.

13 Part II. Section 16 of the Constitution of Alabama
14 of 1901, now appearing as Section 16 of the Official
15 Recompilation of the Constitution of Alabama 1901, as amended,
16 is amended to read as follows:

17 "Section 16.

18 "That all persons shall, before conviction, be
19 bailable by sufficient sureties, ~~except for capital offenses,~~
20 ~~when the proof is evident or the presumption great~~ unless
21 charged with an offense enumerated by the Legislature by
22 general law; and that excessive bail shall not in any case be
23 required."

24 Section 2. An election upon the proposed amendment
25 shall be held in accordance with Sections 284 and 285 of the
26 Constitution of Alabama of 1901, now appearing as Sections 284
27 and 285 of the Official Recompilation of the Constitution of

1 Alabama of 1901, as amended, and the election laws of this
2 state.

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

8 Proposing an amendment to Section 16 of the
9 Constitution of Alabama of 1901, now appearing as Section 16
10 of the Official Recompilation of the Constitution of Alabama
11 1901, as amended, to create Aniah's Law, to provide that an
12 individual is entitled to reasonable bail prior to conviction,
13 unless charged with an offense enumerated by the Legislature
14 in general law."

15 "Proposed by Act _____."

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

18 "Yes () No ()."