

1 HB104
2 209445-1
3 By Representative Gaston
4 RFD: Judiciary
5 First Read: 11-JAN-22

SYNOPSIS: Under existing law, the State Board of Pardons and Paroles may pardon certain felons determined to be innocent after their death.

This bill would further provide for the conditions in which a felon qualifies for a posthumous pardon.

A BILL
TO BE ENTITLED
AN ACT

Relating to pardons and paroles; to amend Section 15-22-113, Code of Alabama 1975; to further provide for the conditions in which a felon qualifies for a posthumous pardon.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 15-22-113, Code of Alabama 1975, is amended to read as follows:

"§15-22-113.

1 "(a) A person convicted of a Class A or Class B
2 felony in this state shall be a candidate for a posthumous
3 pardon if all of the following conditions are satisfied:

4 "(1) He or she is deceased.

5 "(2) The person's circumstances of conviction
6 provide a compelling reason or reasons to consider granting a
7 posthumous pardon to remedy social injustice ~~associated with~~
8 ~~racial discrimination.~~

9 "(3) He or she did not receive a pardon for his or
10 her felony conviction at issue from this state while living.

11 "(4) The acts forming the basis for his or her
12 felony conviction or convictions at issue were committed at
13 least 80 years prior to the date of the petition.

14 "(b) A petitioner may petition the board to consider
15 granting a posthumous pardon for a specific compelling reason
16 or reasons for the purpose of remedying social injustice
17 ~~associated with racial discrimination~~ evident by the person's
18 circumstances of conviction.

19 "(c) (1) The petition shall include attestations of
20 all of the following:

21 "a. That the petitioner is an eligible petitioner
22 under this article.

23 "b. That the petitioner has personally conducted an
24 intelligent evaluation of the person's case.

25 "c. The compelling reason or reasons for which the
26 petitioner requests a posthumous pardon for the purpose of
27 remedying social injustice ~~associated with racial~~

1 ~~discrimination~~ evident by the person's circumstances of
2 conviction.

3 "d. That all information contained in the petition
4 and any supporting documentation or evidence submitted by the
5 petitioner is believed to be true and accurate.

6 "(2) The petition shall also include supporting
7 documentation or evidence of the compelling reason or reasons
8 supporting the award of a posthumous pardon.

9 "(d) The board shall have no power to grant a
10 posthumous pardon unless the petition specifies a compelling
11 reason or reasons for which the petitioner seeks application
12 for the candidate's posthumous pardon to remedy social
13 injustice ~~associated with racial discrimination~~ evident by the
14 person's circumstances of conviction.

15 "(e) Following receipt and review of the petition
16 and supporting documentation or evidence, the board shall
17 conduct a hearing on the petition. The board shall not be
18 required to conduct an investigation to consider or grant a
19 posthumous pardon in accordance with this article, but may
20 rely on the written petition and accompanying documentation or
21 evidence, along with evidence presented at the hearing. The
22 petitioner, public officials, and other witnesses, including
23 members of the public, may testify and present evidence at the
24 hearing in support of or in opposition to the petition. The
25 board shall hold ultimate discretion in granting a posthumous
26 pardon. Upon the unanimous affirmative vote of the board, a
27 posthumous pardon may be issued.

1 "(f) The notification requirements of Sections
2 15-22-23 and 15-22-36, shall not apply to this article, and
3 the board's power to grant posthumous pardons shall not
4 otherwise be limited by Sections 15-22-23 and 15-22-36. The
5 board shall provide general notice of a posthumous pardon
6 hearing by publicly posting on the state agency website the
7 name of the posthumous pardon candidate along with the date,
8 time, and location of the hearing."

9 Section 2. This act shall become effective on the
10 first day of the third month following its passage and
11 approval by the Governor, or its otherwise becoming law.