

1 SB76
2 215204-1
3 By Senators Givhan, Elliott and Barfoot (Constitutional
4 Amendment)
5 RFD: Judiciary
6 First Read: 13-JAN-22

8 SYNOPSIS: The Constitution of Alabama of 1901,
9 provides that the Governor has the authority to
10 grant a reprieve or a commutation to a person
11 sentenced to death.

12 This proposed constitutional amendment would
13 require the Governor to take reasonable steps to
14 provide notice to certain persons prior to granting
15 a commutation to a person under a sentence of death
16 and would authorize certain persons to challenge
17 the granting of a commutation upon a violation.

18
19 A BILL
20 TO BE ENTITLED
21 AN ACT
22

23 Proposing an amendment to Amendment 38 to the
24 Constitution of Alabama of 1901, now appearing as Section 124
25 of the Official ReCompilation of the Constitution of Alabama
26 of 1901, as amended, relating to the authority of the Governor
27 to grant reprieves and commutations to persons under sentence

1 of death; to require the Governor to take reasonable steps to
2 provide notice to certain persons prior to granting a
3 commutation to a person under a sentence of death; and to
4 authorize certain persons to challenge the granting of a
5 commutation upon a violation.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

13 PROPOSED AMENDMENT

14 "(a) (1) The ~~governor shall have power to~~ Governor
15 may grant reprieves and commutations to persons under sentence
16 of death.

17 "(2) The power to grant a commutation or reprieve
18 under subdivision (1) may not be exercised unless the Governor
19 has taken reasonable steps under the circumstances to notify
20 the Attorney General and all members of the victim's family
21 whose contact information is provided to the Governor by the
22 Attorney General for this purpose.

23 "(3) A victim's family member who is entitled to
24 notice under subdivision (2) may challenge a commutation or
25 reprieve as being in violation of this section by filing a
26 civil action in the Circuit Court of Montgomery County within
27 30 days after the Governor grants the commutation or reprieve.

1 If the court finds a violation of subdivision (2), the court
2 shall void the commutation at issue and enjoin the Governor
3 from granting the inmate a commutation or reprieve until the
4 Governor takes reasonable steps to provide the notice required
5 by that subdivision.

6 "(b) The legislature shall have power to Legislature
7 may provide for and to regulate the administration of pardons,
8 paroles, remission of fines, and forfeitures, and may
9 authorize the courts having criminal jurisdiction to suspend a
10 sentence and to order probation.

11 "(c) No pardon shall relieve an individual from
12 civil and political disabilities unless specifically expressed
13 in the pardon."

14 END OF PROPOSED AMENDMENT.

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

21 Section 3. The appropriate election official shall
22 assign a ballot number for the proposed constitutional
23 amendment on the election ballot and shall set forth the
24 following description of the substance or subject matter of
25 the proposed constitutional amendment:

26 "Proposing an amendment to Amendment 38 to the
27 Constitution of Alabama of 1901, now appearing as Section 124

1 of the Official ReCompilation of the Constitution of Alabama
2 of 1901, as amended, relating to the authority of the Governor
3 to grant reprieves and commutations to persons under sentence
4 of death; to require the Governor to take reasonable steps to
5 provide notice to certain persons prior to granting a
6 commutation to a person under a sentence of death; and to
7 authorize certain persons to challenge the granting of a
8 commutation upon a violation.

9 "Proposed by Act _____."

10 This description shall be followed by the following
11 language:

12 "Yes () No ()."