

HB100 INTRODUCED



1 HB100
2 PAKYEEG-1
3 By Representative Clarke
4 RFD: Judiciary
5 First Read: 06-Feb-24
6 PFD: 05-Feb-24



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SYNOPSIS:

Under existing law, there are established penalties for the commission of felony and misdemeanor offenses.

This bill would establish increased penalties for a crime committed against an election official that is motivated by an individual's role as an election official.

This bill would also establish that a felony committed against an election official which is motivated by an individual's role as an election official is a crime of moral turpitude.

A BILL
TO BE ENTITLED
AN ACT

Relating to crimes and offenses; to add Section 13A-5-14 to the Code of Alabama 1975; to establish increased penalties for a crime committed against an election official that is motivated by the individual's role as an election official; to amend Section 17-3-30.1, Code of Alabama 1975, to establish that a felony committed against an election official



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29 which is motivated by an individual's role as an election
30 official is a crime of moral turpitude.

31 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

32 Section 1. Section 13A-5-14 is added to the Code of
33 Alabama 1975, to read as follows:

34 §13A-5-14

35 (a) A person who has been found guilty of a crime, the
36 commission of which was shown beyond a reasonable doubt to
37 have been motivated by the victim's actual or perceived role
38 as an election official, shall be punished as follows:

39 (1) On conviction of a Class A felony, the sentence
40 shall not be less than 15 years.

41 (2) On conviction of a Class B felony, the sentence
42 shall not be less than 10 years.

43 (3) On conviction of a Class C felony, the sentence
44 shall not be less than two years.

45 (4) On conviction of a Class D felony, the sentence
46 shall not be less than 18 months.

47 (5) On conviction of any misdemeanor, the defendant
48 shall be sentenced for a Class A misdemeanor and shall be
49 sentenced to a minimum of three months.

50 (b) For purposes of subsection (a), a defendant who has
51 been previously convicted of any felony and receives an
52 enhanced sentence pursuant to this section is also subject to
53 enhanced punishment under the Alabama Habitual Felony Offender
54 Act, Section 13A-5-9.

55 (c) For purposes of this section, an "election
56 official" is any absentee election manager, clerk, inspector,



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57 poll worker, poll watcher, registrar, judge of probate or his
58 or her employee, or the Secretary of State or his or her
59 employee.

60 Section 2. Section 17-3-30.1, Code of Alabama 1975, is
61 amended to read as follows:

62 "§17-3-30.1

63 (a) This section shall be known and may be cited as the
64 Felony Voter Disqualification Act.

65 (b) (1) The Legislature finds and declares ~~that~~both of
66 the following:

67 a. That Section 177 Article VIII of the Constitution of
68 Alabama of 19012022, ~~now appearing as Section 177 of Article~~
69 ~~VIII of the Official Recompilation of the Constitution of~~
70 ~~Alabama of 1901, as amended~~, provides that Alabama citizens
71 shall lose the right to vote when convicted of a crime only if
72 the conviction was for a felony involving moral turpitude.

73 b. ~~Under~~That under general law, there is no
74 comprehensive list of felonies that involve moral turpitude
75 ~~which~~that disqualify ~~a person~~an individual from exercising his
76 or her right to vote. Neither individuals with felony
77 convictions nor election officials have a comprehensive,
78 authoritative source for determining if a felony conviction
79 involves moral turpitude and is therefore a disqualifying
80 felony.

81 (2) The purposes of this section are all of the
82 following:

83 a. To give full effect to Section 177 Article VIII of
84 the Constitution of Alabama of 19012022, ~~now appearing as~~



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85 ~~Section 177 of Article VIII of the Official Recompilation of~~
86 ~~the Constitution of Alabama of 1901, as amended.~~

87 b. To ensure that no ~~one~~ individual is wrongly excluded
88 from the electoral franchise.

89 c. To provide a comprehensive list of acts that
90 constitute moral turpitude for the limited purpose of
91 disqualifying ~~a person~~ an individual from exercising his or her
92 right to vote.

93 (c) For purposes of Section 177 ~~Article VIII~~ of the
94 Constitution of Alabama of ~~1901~~ 2022, ~~now appearing as Section~~
95 ~~177 of Article VIII of the Official Recompilation of the~~
96 ~~Constitution of Alabama of 1901, as amended, a person an~~
97 individual is disqualified to vote by reason of conviction of
98 a felony involving moral turpitude only when convicted of any
99 of the following offenses in a degree constituting a felony:

100 (1) Murder as defined in the following sections:

101 a. Subdivision (1) of subsection (a) of Section
102 13A-5-40.

103 b. Subdivision (2) of subsection (a) of Section
104 13A-5-40.

105 c. Subdivision (3) of subsection (a) of Section
106 13A-5-40.

107 d. Subdivision (4) of subsection (a) of Section
108 13A-5-40.

109 e. Subdivision (5) of subsection (a) of Section
110 13A-5-40.

111 f. Subdivision (6) of subsection (a) of Section
112 13A-5-40.



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113 g. Subdivision (7) of subsection (a) of Section
114 13A-5-40.

115 h. Subdivision (8) of subsection (a) of Section
116 13A-5-40.

117 i. Subdivision (9) of subsection (a) of Section
118 13A-5-40.

119 j. Subdivision (10) of subsection (a) of Section
120 13A-5-40.

121 k. Subdivision (11) of subsection (a) of Section
122 13A-5-40.

123 l. Subdivision (12) of subsection (a) of Section
124 13A-5-40.

125 m. Subdivision (13) of subsection (a) of Section
126 13A-5-40.

127 n. Subdivision (14) of subsection (a) of Section
128 13A-5-40.

129 o. Subdivision (15) of subsection (a) of Section
130 13A-5-40.

131 p. Subdivision (16) of subsection (a) of Section
132 13A-5-40.

133 q. Subdivision (17) of subsection (a) of Section
134 13A-5-40.

135 r. Subdivision (18) of subsection (a) of Section
136 13A-5-40.

137 s. Subdivision (19) of subsection (a) of Section
138 13A-5-40.

139 t. Section 13A-6-2.

140 (2) Manslaughter as defined in Section 13A-6-3.



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141 (3) Assault as defined in Section 13A-6-20, except for
142 subdivision (5) of subsection (a) of Section 13A-6-20, and
143 Section 13A-6-21.

144 (4) Kidnapping in the first degree as defined in
145 Section 13A-6-43.

146 (5) Kidnapping in the second degree as defined in
147 Section 13A-6-44.

148 (6) Rape as defined in Sections 13A-6-61 and 13A-6-62.

149 (7) Sodomy as defined in Sections 13A-6-63 and
150 13A-6-64.

151 (8) Sexual torture as defined in Section 13A-6-65.1.

152 (9) Sexual abuse as defined in Sections 13A-6-66,
153 13A-6-67, and 13A-6-69.1.

154 (10) Enticing a child to enter a vehicle for immoral
155 purposes as defined in Section 13A-6-69.

156 (11) Facilitating solicitation of unlawful sexual
157 conduct with a child as defined in Section 13A-6-121.

158 (12) Electronic solicitation of a child as defined in
159 Section 13A-6-122.

160 (13) Facilitating the on-line solicitation of a child
161 as defined in Section 13A-6-123.

162 (14) Traveling to meet a child for an unlawful sex act
163 as defined in Section 13A-6-124.

164 (15) Facilitating the travel of a child for an unlawful
165 sex act as defined in Section 13A-6-125.

166 (16) Human trafficking as defined in Sections 13A-6-152
167 and 13A-6-153.

168 (17) Terrorism as defined in Section 13A-10-152.



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169 (18) Soliciting or providing support for an act of
170 terrorism as defined in Section 13A-10-153.

171 (19) Hindering prosecution of terrorism as defined in
172 Section 13A-10-154.

173 (20) Endangering the water supply as defined in Section
174 13A-10-171.

175 (21) Possession, manufacture, transport, or
176 distribution of a destructive device or bacteriological or
177 biological weapon as defined in Section 13A-10-193.

178 (22) Selling, furnishing, giving away, delivering, or
179 distribution of a destructive device, a bacteriological
180 weapon, or biological weapon to a person who is less than 21
181 years of age as defined in Section 13A-10-194.

182 (23) Possession, manufacture, transport, or
183 distribution of a detonator, explosive, poison, or hoax device
184 as defined in Section 13A-10-195.

185 (24) Possession or distribution of a hoax device
186 represented as a destructive device or weapon as defined in
187 subsection (c) of Section 13A-10-196.

188 (25) Attempt to commit an explosives or destructive
189 device or bacteriological or biological weapons crime as
190 defined in Section 13A-10-197.

191 (26) Conspiracy to commit an explosives or destructive
192 device or bacteriological or biological weapons crime as
193 defined in Section 13A-10-198.

194 (27) Hindrance or obstruction during detection,
195 disarming, or destruction of a destructive device or weapon as
196 defined in Section 13A-10-199.



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197 (28) Possession or distribution of a destructive device
198 or weapon intended to cause injury or destruction as defined
199 in Section 13A-10-200.

200 (29) Treason as defined in Section 13A-11-2.

201 (30) Dissemination or public display of obscene matter
202 containing visual depiction of persons under 17 years of age
203 involved in obscene acts as defined in Section 13A-12-191.

204 (31) Possession and possession with intent to
205 disseminate obscene matter containing visual depiction of
206 persons under 17 years of age involved in obscene acts as
207 defined in Section 13A-12-192.

208 (32) Parents or guardians permitting children to engage
209 in production of obscene matter as defined in Section
210 13A-12-196.

211 (33) Production of obscene matter containing visual
212 depiction of persons under 17 years of age involved in obscene
213 acts as defined in Section 13A-12-197.

214 (34) Distribution, possession with intent to
215 distribute, production of obscene material, or offer or
216 agreement to distribute or produce, as defined in Section
217 13A-12-200.2.

218 (35) Trafficking in cannabis, cocaine, or other illegal
219 drugs or trafficking in amphetamine and methamphetamine as
220 defined in Section 13A-12-231.

221 (36) Bigamy as defined in Section 13A-13-1.

222 (37) Incest as defined in Section 13A-13-3.

223 (38) Torture or other willful maltreatment of a child
224 under ~~the age of~~ 18 years of age as defined in Section



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225 26-15-3.

226 (39) Aggravated child abuse as defined in Section
227 26-15-3.1.

228 (40) Prohibited acts in the offer, sale, or purchase of
229 securities as defined in Section 8-6-17.

230 (41) Burglary as defined in Sections 13A-7-5 and
231 13A-7-6.

232 (42) Aggravated theft by deception as defined in
233 Section 13A-8-2.1.

234 (43) Theft of property as defined in Sections 13A-8-3
235 and 13A-8-4.

236 (44) Theft of lost property as defined in Sections
237 13A-8-7 and 13A-8-8.

238 (45) Theft of trademarks or trade secrets as defined in
239 Section 13A-8-10.4.

240 (46) Robbery as defined in Sections 13A-8-41, 13A-8-42,
241 and 13A-8-43.

242 (47) Forgery as defined in Sections 13A-9-2 and
243 13A-9-3.

244 (48) Any felony committed against an election official
245 pursuant to Section 13A-5-14.

246 ~~(48)~~ (49) Any crime as defined by the laws of the United
247 States or by the laws of another state, territory, country, or
248 other jurisdiction, which, if committed in this state, would
249 constitute one of the offenses listed in this subsection.

250 (d) Nothing in this section shall be interpreted as
251 determining moral turpitude for any purpose other than
252 disqualifying ~~a person~~ an individual from exercising his or



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253 her right to vote.

254 (e) The felonies involving moral turpitude listed in
255 subsection (c) are the only felonies for which ~~a person~~an
256 individual, upon conviction, may be disqualified from voting.
257 ~~Additional felonies may be added to the list in subsection (c)~~
258 ~~only by amendment to this section."~~

259 Section 3. This act shall become effective on October
260 1, 2024.