

## HB76 INTRODUCED



1 HB76  
2 HGYIU66-1  
3 By Representative England (Constitutional Amendment)  
4 RFD: Judiciary  
5 First Read: 13-Jan-26  
6 PFD: 02-Dec-25



SYNOPSIS:

Under existing law, the death penalty is authorized as a form of capital punishment for the crime of murder when certain aggravating circumstances are found by the trier of fact.

This bill would propose an amendment to the Constitution of Alabama of 2022, to provide that no crime may be punishable by death.

This bill would affirmatively require the Legislature to pass laws to prohibit the death penalty as a form of capital punishment.

A BILL  
TO BE ENTITLED  
AN ACT

Proposing an amendment to the Constitution of Alabama of 2022, relating to capital punishment, to provide that no crime shall be punishable by death; to require the Legislature, by general law, to prohibit the death penalty; and to make void any general law authorizing an individual to be sentenced to death.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution



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of Alabama of 2022, is proposed:

### PROPOSED AMENDMENT

(a) No crime shall be punishable by death, and the Legislature, by general law, shall prohibit the death penalty for the commission of any crime.

(b) Any general law authorizing any individual to be punished by death shall be deemed void.

Upon ratification of this constitutional amendment, the Code Commissioner shall number and place this amendment as appropriate in the constitution omitting this instructional paragraph and may make the following nonsubstantive revisions: change capitalization, hierarchy, spelling, and punctuation for purposes of style and uniformity; correct manifest grammatical, clerical, and typographical errors; revise internal or external citations and cross-references; harmonize language; and translate effective dates.

### END OF PROPOSED AMENDMENT

Section 2. An election upon the proposed amendment shall be held at the statewide primary election in 2028 in accordance with Sections 284 and 285 of the Constitution of Alabama of 2022, and the election laws of this state. The appropriate election official shall assign a ballot number for the proposed constitutional amendment on the election ballot and shall set forth the following description of the substance or subject matter of the proposed constitutional amendment:

"Proposing an amendment to the Constitution of Alabama of 2022, to abolish the death penalty.

Proposed by Act \_\_\_\_."



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57           This description shall be followed by the following  
58   language:

59           "Yes( ) No( )."

60           Section 3. The proposed amendment shall become valid as  
61   a part of the Constitution of Alabama of 2022, when approved  
62   by a majority of the qualified electors voting thereon.