

1 HB131
2 208002-3
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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ENROLLED, An Act,

To propose an amendment to Section 16 of the Constitution of Alabama of 1901, now appearing as Section 16 of the Official ReCompilation of the Constitution of Alabama 1901, as amended, to provide that all individuals shall be entitled to reasonable bail prior to conviction, except for capital murder, murder, kidnapping in the first degree, rape in the first degree, sodomy in the first degree, sexual torture, domestic violence in the first degree, human trafficking in the first degree, burglary in the first degree, arson in the first degree, robbery in the first degree, terrorism when the specified offense is a Class A felony other than murder, and aggravated child abuse of a child under the age of six.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

PROPOSED AMENDMENT

Part I. This amendment shall be known and may be cited as Aniah's Law.

1 Part II. Section 16 of the Constitution of Alabama
2 of 1901, now appearing as Section 16 of the Official
3 Recompilation of the Constitution of Alabama 1901, as amended,
4 is amended to read as follows:

5 "Section 16.

6 "That all persons shall, before conviction, be
7 bailable by sufficient sureties, ~~except for capital offenses,~~
8 ~~when the proof is evident or the presumption great~~ unless
9 charged with an offense enumerated by the Legislature by
10 general law capital murder, as provided in Section 13A-5-40,
11 Code of Alabama 1975, as amended; murder, as provided in
12 Section 13A-6-2, Code of Alabama 1975, as amended; kidnapping
13 in the first degree, as provided in Section 13A-6-43, Code of
14 Alabama 1975, as amended; rape in the first degree, as
15 provided in Section 13A-6-61, Code of Alabama 1975, as
16 amended; sodomy in the first degree, as provided in Section
17 13A-6-63, Code of Alabama 1975, as amended; sexual torture, as
18 provided in Section 13A-6-65.1, Code of Alabama 1975, as
19 amended; domestic violence in the first degree, as provided in
20 Section 13A-6-130, Code of Alabama 1975, as amended; human
21 trafficking in the first degree, as provided in Section
22 13A-6-152, Code of Alabama 1975, as amended; burglary in the
23 first degree, as provided in Section 13A-7-5, Code of Alabama
24 1975, as amended; arson in the first degree, as provided in
25 Section 13A-7-41, Code of Alabama 1975, as amended; robbery in

1 the first degree, as provided in Section 13A-8-41, Code of
2 Alabama 1975, as amended; terrorism, as provided in
3 subdivision (b) (2) of Section 13A-10-152, Code of Alabama
4 1975, as amended; and aggravated child abuse, as provided in
5 subsection (b) of Section 26-15-3.1, Code of Alabama 1975, as
6 amended; and that excessive bail shall not in any case be
7 required."

8 Section 2. An election upon the proposed amendment
9 shall be held in accordance with Sections 284 and 285 of the
10 Constitution of Alabama of 1901, now appearing as Sections 284
11 and 285 of the Official Recompilation of the Constitution of
12 Alabama of 1901, as amended, and the election laws of this
13 state.

14 Section 3. The appropriate election official shall
15 assign a ballot number for the proposed constitutional
16 amendment on the election ballot and shall set forth the
17 following description of the substance or subject matter of
18 the proposed constitutional amendment:

19 Proposing an amendment to Section 16 of the
20 Constitution of Alabama of 1901, now appearing as Section 16
21 of the Official Recompilation of the Constitution of Alabama
22 1901, as amended, to create Aniah's Law, to provide that an
23 individual is entitled to reasonable bail prior to conviction,
24 unless charged with ~~an offense enumerated by the Legislature~~
25 ~~in general law~~ capital murder, murder, kidnapping in the first

1 degree, rape in the first degree, sodomy in the first degree,
2 sexual torture, domestic violence in the first degree, human
3 trafficking in the first degree, burglary in the first degree,
4 arson in the first degree, robbery in the first degree,
5 terrorism when the specified offense is a Class A felony other
6 than murder, and aggravated child abuse of a child under the
7 age of six."

8 "Proposed by Act _____."

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

11 "Yes () No ()."

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 23-FEB-21.

Jeff Woodard
Clerk

Senate	<hr/> 06-APR-21 <hr/>	Amended and Passed
House	<hr/> 15-APR-21 <hr/>	Concurred in Senate Amendment