

1 SB231  
2 173269-1  
3 By Senator Ward  
4 RFD: Judiciary  
5 First Read: 16-FEB-16

2  
3  
4  
5  
6  
7  
8 SYNOPSIS: Under existing law, a person who commits a  
9 felony involving moral turpitude loses his or her  
10 right to vote.

11 This bill would create the Definition of  
12 Moral Turpitude Act to establish a comprehensive  
13 list of felonies that involve moral turpitude.

14 This bill would also provide procedures for  
15 the Board of Pardons and Paroles and the Secretary  
16 of State to follow to purge certain disqualified  
17 voters from voter registration lists.

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

23 To add Section 17-3-30.1 to the Code of Alabama  
24 1975, to create the Definition of Moral Turpitude Act; to  
25 establish a comprehensive list of felonies that involve moral  
26 turpitude; and to amend Sections 17-4-3 and 17-4-4, Code of  
27 Alabama 1975, relating to voter registration lists, to provide

1 procedures for the Board of Pardons and Paroles and the  
2 Secretary of State to follow to purge certain disqualified  
3 voters from voter registration lists.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. Section 17-3-30.1 is added to the Code of  
6 Alabama 1975, to read as follows:

7 §17-3-30.1.

8 (a) This section shall be known and may be cited as  
9 the Definition of Moral Turpitude Act.

10 (b) (1) The Legislature finds and declares that:

11 a. Article VIII of the Constitution of Alabama of  
12 1901, now appearing as Section 177 of Article VIII of the  
13 Official Recompilation of the Constitution of Alabama of 1901,  
14 as amended, provides that Alabama citizens shall lose the  
15 right to vote when convicted of a crime only if the conviction  
16 was for a felony involving moral turpitude.

17 b. Under general law, there is no comprehensive list  
18 of felonies that involve moral turpitude. Neither individuals  
19 with felony convictions nor election officials have a  
20 comprehensive, authoritative source for determining if a  
21 felony conviction involves moral turpitude and is therefore a  
22 disqualifying felony.

23 (2) The purposes of this section are:

24 a. To give full effect to Article VIII of the  
25 Constitution of Alabama of 1901, now appearing as Section 177  
26 of Article VIII of the Official Recompilation of the  
27 Constitution of Alabama of 1901, as amended.

1           b. To ensure that no one is wrongly excluded from  
2 the franchise.

3           (c) For purposes of Article VIII of the Constitution  
4 of Alabama of 1901, now appearing as Section 177 of Article  
5 VIII of the Official Recompilation of the Constitution of  
6 Alabama of 1901, as amended, a person is disqualified to vote  
7 by reason of conviction of a felony involving moral turpitude  
8 only when convicted of any of the following offenses in a  
9 degree constituting a felony:

10           (1) Prohibited acts in the offer, sale, or purchase  
11 of securities as defined in Section 8-6-17.

12           (2) Murder as defined in the following sections:

13           a. Subdivision (1) of subsection (a) of Section  
14 13A-5-40.

15           b. Subdivision (2) of subsection (a) of Section  
16 13A-5-40.

17           c. Subdivision (3) of subsection (a) of Section  
18 13A-5-40.

19           d. Subdivision (4) of subsection (a) of Section  
20 13A-5-40.

21           e. Subdivision (5) of subsection (a) of Section  
22 13A-5-40.

23           f. Subdivision (6) of subsection (a) of Section  
24 13A-5-40.

25           g. Subdivision (7) of subsection (a) of Section  
26 13A-5-40.

- 1                   h. Subdivision (8) of subsection (a) of Section  
2                   13A-5-40.
- 3                   i. Subdivision (9) of subsection (a) of Section  
4                   13A-5-40.
- 5                   j. Subdivision (10) of subsection (a) of Section  
6                   13A-5-40.
- 7                   k. Subdivision (11) of subsection (a) of Section  
8                   13A-5-40.
- 9                   l. Subdivision (12) of subsection (a) of Section  
10                  13A-5-40.
- 11                  m. Subdivision (13) of subsection (a) of Section  
12                  13A-5-40.
- 13                  n. Subdivision (14) of subsection (a) of Section  
14                  13A-5-40.
- 15                  o. Subdivision (15) of subsection (a) of Section  
16                  13A-5-40.
- 17                  p. Subdivision (16) of subsection (a) of Section  
18                  13A-5-40.
- 19                  q. Subdivision (17) of subsection (a) of Section  
20                  13A-5-40.
- 21                  r. Subdivision (18) of subsection (a) of Section  
22                  13A-5-40.
- 23                  s. Subdivision (19) of subsection (a) of Section  
24                  13A-5-40.
- 25                  t. Section 13A-6-2.
- 26                  (3) Manslaughter as defined in Section 13A-6-3.

1           (4) Assault as defined in Section 13A-6-20,  
2           subdivision (5) of subsection (a) of Section 13A-6-20, and  
3           Section 13A-6-21.

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

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

8           (7) Rape as defined in Sections 13A-6-61 and  
9           13A-6-62.

10          (8) Sodomy as defined in Sections 13A-6-63 and  
11          13A-6-64.

12          (9) Sexual torture as defined in Section 13A-6-65.1.

13          (10) Sexual abuse as defined in Sections 13A-6-66,  
14          13A-6-67, and 13A-6-69.1.

15          (11) Enticing a child to enter a vehicle for immoral  
16          purposes as defined in Section 13A-6-69.

17          (12) Soliciting a child by computer as defined in  
18          Section 13A-6-110.

19          (13) Human trafficking as defined in Sections  
20          13A-6-152 and 13A-6-153.

21          (14) Burglary as defined in Sections 13A-7-5 and  
22          13A-7-6.

23          (15) Theft of property as defined in Sections  
24          13A-8-3 and 13A-8-4.

25          (16) Theft of lost property as defined in Sections  
26          13A-8-7 and 13A-8-8.

1                   (17) Theft of trademarks or trade secrets as defined  
2 in Section 13A-8-10.4.

3                   (18) Robbery as defined in Sections 13A-8-41,  
4 13A-8-42, and 13A-8-43.

5                   (19) Forgery as defined in Sections 13A-9-2 and  
6 13A-9-3.

7                   (20) Terrorism as defined in Section 13A-10-152.

8                   (21) Soliciting or providing support for an act of  
9 terrorism as defined in Section 13A-10-153.

10                   (22) Hindering prosecution of terrorism as defined  
11 in Section 13A-10-154.

12                   (23) Endangering the water supply as defined in  
13 Section 13A-10-171.

14                   (24) Possession, manufacture, transport, or  
15 distribution of a destructive device or bacteriological or  
16 biological weapon as defined in Section 13A-10-193.

17                   (25) Selling, furnishing, giving away, delivering,  
18 or distribution of a destructive device, a bacteriological  
19 weapon, or biological weapon to a person who is less than 21  
20 years of age as defined in Section 13A-10-194.

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

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

1           (28) Attempt to commit an explosives or destructive  
2 device or bacteriological or biological weapons crime as  
3 defined in Section 13A-10-197.

4           (29) Conspiracy to commit an explosives or  
5 destructive device or bacteriological or biological weapons  
6 crime as defined in Section 13A-10-198.

7           (30) Hinderance or obstruction during detection,  
8 disarming, or destruction of a destructive device or weapon as  
9 defined in Section 13A-10-199.

10          (31) Possession or distribution of a destructive  
11 device or weapon intended to cause injury or destruction as  
12 defined in Section 13A-10-200.

13          (32) Treason as defined in Sections 13A-11-2.

14          (33) Dissemination or public display of obscene  
15 matter containing visual depiction of persons under 17 years  
16 of age involved in obscene acts as defined in Section  
17 13A-12-191.

18          (34) Possession and possession with intent to  
19 disseminate obscene matter containing visual depiction of  
20 persons under 17 years of age involved in obscene acts as  
21 defined in Section 13A-12-192.

22          (35) Parents or guardians permitting children to  
23 engage in production of obscene matter as defined in Section  
24 13A-12-196.

25          (36) Production of obscene matter containing visual  
26 depiction of persons under 17 years of age involved in obscene  
27 acts as defined in Section 13A-12-197.



1 (37) Distribution, possession with intent to  
2 distribute, production of obscene material, or offer or  
3 agreement to distribute or produce, as defined in Section  
4 13A-12-200.2.

5 (38) Unlawful distribution of controlled substances  
6 as defined in Section 13A-12-211.

7 (39) Possession with intent to distribute a  
8 controlled substance as defined in Section 13A-12-211.

9 (40) Trafficking in cannabis, cocaine, or other  
10 illegal drugs or trafficking in amphetamine and  
11 methamphetamine as defined in Section 13A-12-231.

12 (41) Bigamy as defined in Section 13A-13-1.

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

14 (43) Torture or other willful maltreatment of a  
15 child under the age of 18 as defined in Section 26-15-3.

16 (44) Aggravated child abuse as defined in Section  
17 26-15-3.1.

18 (45) Any crime as defined by the laws of the United  
19 States or by the laws of another state, territory, country, or  
20 other jurisdiction, which, if committed in this state, would  
21 constitute one of the offenses listed in this subsection.

22 Section 2. Sections 17-4-3 and 17-4-4 of the Code of  
23 Alabama 1975, are amended to read as follows:

24 "§17-4-3.

25 "(a) Each county board of registrars shall purge the  
26 computerized statewide voter registration list on a continuous  
27 basis, whenever it receives and confirms information that a

1 person registered to vote in that county has died, become a  
2 nonresident of the state or county, been declared mentally  
3 incompetent, been convicted of any offense ~~mentioned in~~  
4 designated pursuant to Section 17-3-30.1 as a felony involving  
5 moral turpitude for the purposes of Article VIII of the  
6 Constitution of Alabama of 1901 since being registered, or  
7 otherwise become disqualified as an elector. ~~A~~ Except as  
8 provided below, a person convicted of a disqualifying criminal  
9 offense ~~must~~ shall be notified by certified mail sent to the  
10 voter's last known address of the board's intention to strike  
11 his or her name from the list. No person convicted of a  
12 disqualifying crime may be stricken from the poll list while  
13 an appeal from the conviction is pending.

14 "(b) On the date set in the notice, or at a later  
15 date to which the case may have been continued by the board,  
16 the board shall proceed to consider the case of the elector  
17 whose name it proposes to strike from the registration list  
18 and make its determination. Any person whose name is stricken  
19 from the list may appeal from the decision of the board  
20 without giving security for costs, and the board shall  
21 forthwith certify the proceedings to the judge of probate who  
22 shall docket the case in the probate court.

23 "(c) An appeal from the judge of probate shall be as  
24 appeals set forth in Section 17-3-55.

25 "(d) In the event the Board of Pardons and Paroles  
26 is supervising a person convicted of a disqualifying criminal  
27 offense on probation or parole, and the person has received

1 face-to-face counseling from the supervising officer regarding  
2 voter disqualification and executed documentation explaining  
3 the loss and restoration of civil and political rights, upon  
4 receipt of the documentation, signed by the disqualified  
5 elector, the county board of registrars shall be exempt from  
6 providing notice as otherwise required by this section. The  
7 document administered by the Board of Pardons and Paroles and  
8 to be signed by the disqualified elector shall contain the  
9 following statement: Any person convicted of a disqualifying  
10 felony loses his or her civil and political rights, which  
11 includes the right to vote and the right to hold public  
12 office. Restoration of these rights may be applied for through  
13 the Central Montgomery Office of the Board of Pardons and  
14 Paroles, but only upon completion of the requirements of  
15 Section 15-22-36.1.

16 "(e) The Board of Pardons and Paroles shall provide  
17 signed documentation to county boards of registrars to  
18 indicate those persons under probation or parole supervision  
19 with the board who have been convicted of a disqualifying  
20 criminal offense and been counseled regarding voter  
21 disqualification and the restoration of civil and political  
22 rights, and may otherwise share privileged records and files  
23 with county boards of registrars for the limited purpose of  
24 implementing the requirements of this section.

25 "(f) When the board has sufficient evidence  
26 furnished it that any elector has permanently moved from one  
27 precinct to another within the county, it shall change the

1 elector's precinct designation in the voter registration list,  
2 and shall give notice by mail to the elector of the precinct  
3 in which the elector is registered to vote.

4 "(g) The Secretary of State and the Board of Pardons  
5 and Paroles may promulgate rules in accordance with the  
6 Alabama Administrative Procedure Act as necessary to implement  
7 this section.

8 "§17-4-4.

9 "(a) In addition to all other duties now required by  
10 law, the Office of Vital Statistics of the State Department of  
11 Public Health shall furnish to the board of registrars of the  
12 county in which such district is located, once each month, a  
13 report of the death of all persons over 18 years of age who  
14 resided in such registration district.

15 "(b) In addition to all other duties now required by  
16 law, the judges of probate of the several counties of this  
17 state shall furnish to the board of registrars of their  
18 respective counties, once each month, a list of all residents  
19 of the county, 18 years of age or over, who have been declared  
20 mentally incompetent.

21 "(c) In addition to all other duties required by  
22 law, the clerks of the circuit and district courts of this  
23 state shall furnish to the board of registrars of each county,  
24 once each month, a list of all residents of that county who  
25 have been convicted of any offense ~~mentioned in~~ designated  
26 pursuant to Section 17-3-30.1 as a felony involving moral  
27 turpitude for the purposes of in Article VIII of the

1 Constitution of Alabama of 1901. Any person who willfully  
2 fails to perform such duties shall forfeit the sum of one  
3 hundred dollars (\$100) for each such failure. Such sum may be  
4 recovered in an action by law by any citizen of the county in  
5 which the officer acts, one half to his or her own use and one  
6 half to the use of the state.

7 "(d) The Secretary of State and the Board of Pardons  
8 and Paroles may promulgate rules in accordance with the  
9 Alabama Administrative Procedure Act as necessary to implement  
10 this section."

11 Section 3. This act shall become effective on the  
12 first day of the third month following its passage and  
13 approval by the Governor, or its otherwise becoming law.