

1 SB243
2 96526-2
3 By Senator Sanders
4 RFD: Judiciary
5 First Read: 22-MAR-11

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

10
11 To create the Definition of Moral Turpitude Act; to
12 provide for legislative findings and purposes; and to provide
13 further for Chapter 3 of Title 17 of the Code of Alabama 1975,
14 by adding a new Section 17-3-30.1 to list the offenses that
15 constitute a felony involving moral turpitude.

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

17 Section 1. This act shall be known and may cited as
18 the Definition of Moral Turpitude Act.

19 Section 2. (a) The Legislature finds that:

20 (1) Article VIII of the Constitution of Alabama of
21 1901, now appearing as Article VIII, Section 177 of the
22 Official Recompilation of the Constitution of Alabama of 1901,
23 as amended, provides that Alabama citizens shall lose the
24 right to vote because of a criminal conviction only if the
25 conviction was for a "felony involving moral turpitude."

26 (2) Under current Alabama felony disenfranchisement
27 law, there is no comprehensive list of disqualifying felonies.

1 Neither individuals with felony convictions, nor elections
2 officials, have any authoritative source for determining which
3 convictions result in disenfranchisement.

4 (3) In the absence of an authoritative list of
5 disqualifying offenses, many eligible Alabama citizens have
6 been unlawfully excluded from the franchise. It is now widely
7 documented that many county registrars have denied voting
8 rights to all otherwise-eligible voters with a felony
9 conviction, whether or not the conviction involved moral
10 turpitude.

11 (4) In 2006, the Circuit Court of Jefferson County,
12 Alabama, ruled that Alabama's practices violate the United
13 States Constitution as well as the Alabama Constitution by
14 relying on a vague standard for denying voting rights. The
15 circuit court called on the Legislature to remedy those
16 violations by precisely defining which crimes disqualify
17 otherwise-eligible citizens from voting.

18 (b) The purposes of this act are: (1) to give full
19 effect to Article VIII of the Constitution of Alabama of 1901,
20 now appearing as Article VIII, Section 177 of the Official
21 Recompilation of the Constitution of Alabama of 1901, as
22 amended, (2) to remedy ongoing constitutional violations under
23 current law, and (3) to ensure that no one is wrongfully
24 excluded from the franchise.

25 Section 3. Section 17-3-30.1 is added to Chapter 3,
26 Title 17, Code of Alabama 1975, to read as follows:

27 §17-3-30.1.

1 For purposes of Article VIII of the Constitution of
2 Alabama of 1901, now appearing as Article VIII, Section 177 of
3 the Official Recompilation of the Constitution of Alabama of
4 1901, as amended, a person is disqualified to vote by reason
5 of conviction of a "felony involving moral turpitude" which
6 includes the following Alabama felony offenses that have been
7 declared or deemed by an Alabama Appellate Court, a state
8 statute, or an Attorney General opinion to "involve moral
9 turpitude":

10 (1) Impeachment as defined in Article VII of the
11 Official Recompilation of the Constitution of Alabama of 1901.

12 (2) Murder as defined in Section 14-49-314 of the
13 Code of Alabama 1940.

14 (3) Murder as defined in Section 13A-5-40(a) (1) of
15 the Code of Alabama 1975.

16 (4) Murder as defined in Section 13A-5-40(a) (10) of
17 the Code of Alabama 1975.

18 (5) Murder as defined in Section 13A-5-40(a) (11) of
19 the Code of Alabama 1975.

20 (6) Murder as defined in Section 13A-5-40(a) (12) of
21 the Code of Alabama 1975.

22 (7) Murder as defined in Section 13A-5-40(a) (13) of
23 the Code of Alabama 1975.

24 (8) Murder as defined in Section 13A-5-40(a) (14) of
25 the Code of Alabama 1975.

26 (9) Murder as defined in Section 13A-5-40(a) (15) of
27 the Code of Alabama 1975.

1 (10) Murder as defined in Section 13A-5-40 (a) (16) of
2 the Code of Alabama 1975.

3 (11) Murder as defined in Section 13A-5-40 (a) (17) of
4 the Code of Alabama 1975.

5 (12) Murder as defined in Section 13A-5-40 (a) (18) of
6 the Code of Alabama 1975.

7 (13) Murder as defined in Section 13A-5-40 (a) (2) of
8 the Code of Alabama 1975.

9 (14) Murder as defined in Section 13A-5-40 (a) (3) of
10 the Code of Alabama 1975.

11 (15) Murder as defined in Section 13A-5-40 (a) (4) of
12 the Code of Alabama 1975.

13 (16) Murder as defined in Section 13A-5-40 (a) (5) of
14 the Code of Alabama 1975.

15 (17) Murder as defined in Section 13A-5-40 (a) (6) of
16 the Code of Alabama 1975.

17 (18) Murder as defined in Section 13A-5-40 (a) (7) of
18 the Code of Alabama 1975.

19 (19) Murder as defined in Section 13A-5-40 (a) (8) of
20 the Code of Alabama 1975.

21 (20) Murder as defined in Section 13A-5-40 (a) (9) of
22 the Code of Alabama 1975.

23 (21) Murder as defined in Section 13A-6-2 of the
24 Code of Alabama 1975.

25 (22) Murder as defined in Section 13A-6-2 (a) (2) of
26 the Code of Alabama 1975.

1 (23) Felony murder as defined in Section
2 13A-6-2(a)(3) of the Code of Alabama 1975.

3 (24) Manslaughter as defined in Section 13A-6-3 of
4 the Code of Alabama 1975.

5 (25) Assault as defined in Section 13A-6-20 of the
6 Code of Alabama 1975.

7 (26) Assault as defined in Section 13A-6-20(a)(5) of
8 the Code of Alabama 1975.

9 (27) Assault as defined in Section 13A-6-21 of the
10 Code of Alabama 1975.

11 (28) Rape as defined in Section 13A-6-61 of the Code
12 of Alabama 1975.

13 (29) Rape as defined in Section 13A-6-62 of the Code
14 of Alabama 1975.

15 (30) Sodomy as defined in Section 13A-6-63 of the
16 Code of Alabama 1975.

17 (31) Sodomy as defined in Section 13A-6-64 of the
18 Code of Alabama 1975.

19 (32) Sexual Torture/Abuse as defined in Section
20 13A-6-65.1 of the Code of Alabama 1975.

21 (33) Sexual Abuse as defined in Section 13A-6-66 of
22 the Code of Alabama 1975.

23 (34) Sexual Abuse as defined in Section 13A-6-67 of
24 the Code of Alabama 1975.

25 (35) Enticing a child to enter vehicle, house, etc.,
26 as defined in Section 13A-6-69 of the Code of Alabama 1975.

1 (36) Sexual Abuse as defined in Section 13A-6-69.1
2 of the Code of Alabama 1975.

3 (37) Solicitation of child by computer as defined in
4 Section 13A-6-110 of the Code of Alabama 1975.

5 (38) Burglary as defined in Section 13A-7-5 of the
6 Code of Alabama 1975.

7 (39) Burglary as defined in Section 13A-7-6 of the
8 Code of Alabama 1975.

9 (40) Burglary as defined in Section 13A-7-7 of the
10 Code of Alabama 1975.

11 (41) Theft of property in the first degree as
12 defined in Section 13A-8-3 of the Code of Alabama 1975.

13 (42) Theft of property in the second degree as
14 defined in Section 13A-8-4 of the Code of Alabama 1975.

15 (43) Theft of property in the first degree as
16 defined in Section 13A-8-7 of the Code of Alabama 1975.

17 (44) Theft of lost property in the second degree as
18 defined in Section 13A-8-8 of the Code of Alabama 1975.

19 (45) Theft of trademarks or trade secrets as defined
20 in Section 13A-8-10.4 of the Code of Alabama 1975.

21 (46) Robbery in the first degree as defined in
22 Section 13A-8-41 of the Code of Alabama 1975.

23 (47) Robbery in the second degree as defined in
24 Section 13A-8-42 of the Code of Alabama 1975.

25 (48) Robbery in the third degree as defined in
26 Section 13A-8-43 of the Code of Alabama 1975.

1 (49) Forgery in the first degree as defined in
2 Section 13A-9-2 of the Code of Alabama 1975.

3 (50) Forgery in the second degree as defined in
4 Section 13A-9-3 of the Code of Alabama 1975.

5 (51) Treason as defined in Section 13A-11-2 of the
6 Code of Alabama 1975.

7 (52) Public display or obscene matter as defined in
8 Section 13A-12-191 of the Code of Alabama 1975.

9 (53) Possession and intent to distribute obscene
10 matter as defined in Section 13A-12-192(a) of the Code of
11 Alabama 1975.

12 (54) Possession of obscene matter as defined in
13 Section 13A-12-192(b) of the Code of Alabama 1975.

14 (55) Parent or guardian permitting children to
15 engage in production of obscene matter as defined in Section
16 13A-12-196 of the Code of Alabama 1975.

17 (56) Production of obscene matter as defined in
18 Section 13A-12-197 of the Code of Alabama 1975.

19 (57) Distribution of obscene material as defined in
20 Section 13A-12-200.2(a)(1) of the Code of Alabama 1975.

21 (58) Distribution of obscene material as defined in
22 Section 13A-12-200.2(a)(2) of the Code of Alabama 1975.

23 (59) Production of obscene material as defined in
24 Section 13A-12-200.2(a)(3) of the Code of Alabama 1975.

25 (60) Unlawful distribution of controlled substance
26 as defined in Section 13A-12-211 of the Code of Alabama 1975.

1 (61) Sale of cocaine as defined in Section
2 13A-12-211 of the Code of Alabama 1975.

3 (62) Sale of marijuana as defined in Section
4 13A-12-211 of the Code of Alabama 1975.

5 (63) Possession of marijuana as defined in Section
6 13A-12-213 of the Code of Alabama 1975.

7 (64) Bigamy as defined in Section 13A-13-1 of the
8 Code of Alabama 1975.

9 (65) Incest as defined in Section 13A-13-3 of the
10 Code of Alabama 1975.

11 Section 4. 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.

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Senate

Read for the first time and referred to the Senate
committee on Judiciary..... 22-MAR-11

Read for the second time and placed on the calen-
dar..... 27-APR-11

Read for the third time and passed as amended 25-MAY-11

Yeas 32
Nays 0

Patrick Harris
Secretary