

1 SB97
2 147434-5
3 By Senators Orr, Marsh, McGill, Keahey, Figures, Dunn, Irons,
4 Coleman, Scofield, Beason, Williams, and Smitherman
5 RFD: Judiciary
6 First Read: 05-FEB-13

1 SB97

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4 ENROLLED, An Act,

5 Relating to pardons and paroles, to establish
6 procedures for the consideration of posthumous pardons of
7 certain felons by the State Board of Pardons and Paroles.

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

9 Section 1. This act may be known and cited as "The
10 Scottsboro Boys Act."

11 Section 2. The purpose of this act is to establish a
12 process for the consideration of posthumous pardons by the
13 State Board of Pardons and Paroles for certain felons.

14 Section 3. The following words shall have the
15 following meanings:

16 (1) BOARD. State Board of Pardons and Paroles.

17 (2) CANDIDATE. A person who is considered for a
18 posthumous pardon.

19 (3) PETITION. A document signed by a petitioner
20 requesting the posthumous pardon of a person.

21 (4) PETITIONER. A judge in the judicial circuit
22 where the person was tried and convicted or the district
23 attorney in the person's county of conviction.

24 (5) POSTHUMOUS PARDON. A pardon granted by the State
25 Board of Pardons and Paroles to certain deceased felons.

1 Section 4. (a) A person convicted of a Class A or
2 Class B felony in this state shall be a candidate for a
3 posthumous pardon if all of the following conditions are
4 satisfied:

5 (1) He or she is deceased.

6 (2) The person's circumstances of conviction provide
7 a compelling reason or reasons to consider granting a
8 posthumous pardon to remedy social injustice associated with
9 racial discrimination.

10 (3) He or she did not receive a pardon for his or
11 her felony conviction at issue from this state while living.

12 (4) The acts forming the basis for his or her felony
13 conviction or convictions at issue were committed at least 80
14 years prior to the date of the petition.

15 (b) A petitioner may petition the board to consider
16 granting a posthumous pardon for a specific compelling reason
17 or reasons for the purpose of remedying social injustice
18 associated with racial discrimination evident by the person's
19 circumstances of conviction.

20 (c) (1) The petition shall include attestations of
21 all of the following:

22 a. That the petitioner is an eligible petitioner
23 under this act.

24 b. That the petitioner has personally conducted an
25 intelligent evaluation of the person's case.

1 c. The compelling reason or reasons for which the
2 petitioner requests a posthumous pardon for the purpose of
3 remedying social injustice associated with racial
4 discrimination evident by the person's circumstances of
5 conviction.

6 d. That all information contained in the petition
7 and any supporting documentation or evidence submitted by the
8 petitioner is believed to be true and accurate.

9 (2) The petition shall also include supporting
10 documentation or evidence of the compelling reason or reasons
11 supporting the award of a posthumous pardon.

12 (d) The board shall have no power to grant a
13 posthumous pardon unless the petition specifies a compelling
14 reason or reasons for which the petitioner seeks application
15 for the candidate's posthumous pardon to remedy social
16 injustice associated with racial discrimination evident by the
17 person's circumstances of conviction.

18 (e) Following receipt and review of the petition and
19 supporting documentation or evidence, the board shall conduct
20 a hearing on the petition. The board shall not be required to
21 conduct an investigation to consider or grant a posthumous
22 pardon in accordance with this act, but may rely on the
23 written petition and accompanying documentation or evidence,
24 along with evidence presented at the hearing. The petitioner,
25 public officials, and other witnesses, including members of

1 the public may testify and present evidence at the hearing in
2 support of or in opposition to the petition. The board shall
3 hold ultimate discretion in granting a posthumous pardon. Upon
4 the unanimous affirmative vote of the board, a posthumous
5 pardon may be issued.

6 (f) The notification requirements of Sections
7 15-22-23 and 15-22-36, Code of Alabama 1975, shall not apply
8 to this act, and the board's power to grant posthumous pardons
9 shall not otherwise be limited by Sections 15-22-23 and
10 15-22-36, Code of Alabama 1975. The board shall provide
11 general notice of a posthumous pardon hearing by publicly
12 posting on the state agency website the name of the posthumous
13 pardon candidate along with the date, time, and location of
14 the hearing.

15 Section 5. For the public welfare, a pardon granted
16 by the board pursuant to this act shall not require formal
17 delivery to and acceptance by the candidate's family or legal
18 heirs in order to be considered valid.

19 Section 6. Nothing in this act, nor any
20 determination made by the Alabama Board of Pardons and Paroles
21 pursuant to this act, shall give rise to any liability from
22 any act or omission of any governmental entity or otherwise
23 give rise to any legal claim, suit, or action, including for
24 reparations to a surviving family member of a person pardoned
25 under this act or to a posthumously pardoned person's estate.

1 All Board of Pardons and Paroles' files and records created
2 and maintained pursuant to this act shall be subject to the
3 absolute governmental privilege created by subsection
4 15-22-36(b), Code of Alabama 1975.

5 Section 7. This act shall become effective on the
6 first day of the third month following its passage and
7 approval by the Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB97
Senate 21-FEB-13
I hereby certify that the within Act originated in and passed
the Senate, as amended.

Patrick Harris
Secretary

House of Representatives
Passed: 04-APR-13

By: Senator Orr