

HB100 ENGROSSED



1 HB100
2 3K9MZZZ-2
3 By Representative Clarke
4 RFD: Judiciary
5 First Read: 06-Feb-24
6 PFD: 05-Feb-24



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A BILL
TO BE ENTITLED
AN ACT

Relating to crimes and offenses; to add Section 13A-5-14 to the Code of Alabama 1975; to establish increased penalties for a crime committed against an election official that is motivated by the individual's role as an election official; to amend Section 17-3-30.1, Code of Alabama 1975, to establish that a felony committed against an election official which is motivated by an individual's role as an election official is a crime of moral turpitude.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 13A-5-14 is added to the Code of Alabama 1975, to read as follows:

§13A-5-14

(a) A person who has been found guilty of a crime, the commission of which was shown beyond a reasonable doubt to have been motivated by the victim's actual or perceived role as an election official, shall be punished as follows:

(1) On conviction of a Class A felony, the sentence shall not be less than 15 years.

(2) On conviction of a Class B felony, the sentence



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29 shall not be less than 10 years.

30 (3) On conviction of a Class C felony, the sentence
31 shall not be less than two years.

32 (4) On conviction of a Class D felony, the sentence
33 shall not be less than 18 months.

34 (5) On conviction of any misdemeanor, the defendant
35 shall be sentenced for a Class A misdemeanor and shall be
36 sentenced to a minimum of three months.

37 (b) For purposes of subsection (a), a defendant who has
38 been previously convicted of any felony and receives an
39 enhanced sentence pursuant to this section is also subject to
40 enhanced punishment under the Alabama Habitual Felony Offender
41 Act, Section 13A-5-9.

42 (c) For purposes of this section, an "election
43 official" is any absentee election manager, clerk, inspector,
44 poll worker, registrar, judge of probate or his or her
45 employee, or the Secretary of State or his or her employee.

46 Section 2. Section 17-3-30.1, Code of Alabama 1975, is
47 amended to read as follows:

48 "§17-3-30.1

49 (a) This section shall be known and may be cited as the
50 Felony Voter Disqualification Act.

51 (b) (1) The Legislature finds and declares ~~that~~ both of
52 the following:

53 a. That Section 177 Article VIII ~~of the Constitution of~~
54 ~~Alabama of 1901~~ 2022, ~~now appearing as Section 177 of Article~~
55 ~~VIII of the Official Recompilation of the Constitution of~~
56 ~~Alabama of 1901, as amended~~, provides that Alabama citizens



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57 shall lose the right to vote when convicted of a crime only if
58 the conviction was for a felony involving moral turpitude.

59 b. ~~Under~~ That under general law, there is no
60 comprehensive list of felonies that involve moral turpitude
61 ~~which~~ that disqualify ~~a person~~ an individual from exercising his
62 or her right to vote. Neither individuals with felony
63 convictions nor election officials have a comprehensive,
64 authoritative source for determining if a felony conviction
65 involves moral turpitude and is therefore a disqualifying
66 felony.

67 (2) The purposes of this section are all of the
68 following:

69 a. To give full effect to Section 177 ~~Article VIII~~ of
70 the Constitution of Alabama of 1901 2022, ~~now appearing as~~
71 ~~Section 177 of Article VIII of the Official Recompilation of~~
72 ~~the Constitution of Alabama of 1901, as amended.~~

73 b. To ensure that no ~~one~~ individual is wrongly excluded
74 from the electoral franchise.

75 c. To provide a comprehensive list of acts that
76 constitute moral turpitude for the limited purpose of
77 disqualifying ~~a person~~ an individual from exercising his or her
78 right to vote.

79 (c) For purposes of Section 177 ~~Article VIII~~ of the
80 Constitution of Alabama of 1901 2022, ~~now appearing as Section~~
81 ~~177 of Article VIII of the Official Recompilation of the~~
82 ~~Constitution of Alabama of 1901, as amended, a person~~ an
83 individual is disqualified to vote by reason of conviction of
84 a felony involving moral turpitude only when convicted of any



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85 of the following offenses in a degree constituting a felony:

86 (1) Capital Murder as defined in ~~the following~~
87 ~~sections:~~ Section 13A-5-40.

88 ~~a. Subdivision (1) of subsection (a) of Section~~
89 ~~13A-5-40.~~

90 ~~b. Subdivision (2) of subsection (a) of Section~~
91 ~~13A-5-40.~~

92 ~~c. Subdivision (3) of subsection (a) of Section~~
93 ~~13A-5-40.~~

94 ~~d. Subdivision (4) of subsection (a) of Section~~
95 ~~13A-5-40.~~

96 ~~e. Subdivision (5) of subsection (a) of Section~~
97 ~~13A-5-40.~~

98 ~~f. Subdivision (6) of subsection (a) of Section~~
99 ~~13A-5-40.~~

100 ~~g. Subdivision (7) of subsection (a) of Section~~
101 ~~13A-5-40.~~

102 ~~h. Subdivision (8) of subsection (a) of Section~~
103 ~~13A-5-40.~~

104 ~~i. Subdivision (9) of subsection (a) of Section~~
105 ~~13A-5-40.~~

106 ~~j. Subdivision (10) of subsection (a) of Section~~
107 ~~13A-5-40.~~

108 ~~k. Subdivision (11) of subsection (a) of Section~~
109 ~~13A-5-40.~~

110 ~~l. Subdivision (12) of subsection (a) of Section~~
111 ~~13A-5-40.~~

112 ~~m. Subdivision (13) of subsection (a) of Section~~



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113 ~~13A-5-40.~~
114 ~~n. Subdivision (14) of subsection (a) of Section~~
115 ~~13A-5-40.~~
116 ~~o. Subdivision (15) of subsection (a) of Section~~
117 ~~13A-5-40.~~
118 ~~p. Subdivision (16) of subsection (a) of Section~~
119 ~~13A-5-40.~~
120 ~~q. Subdivision (17) of subsection (a) of Section~~
121 ~~13A-5-40.~~
122 ~~r. Subdivision (18) of subsection (a) of Section~~
123 ~~13A-5-40.~~
124 ~~s. Subdivision (19) of subsection (a) of Section~~
125 ~~13A-5-40.~~
126 ~~t.~~ (2) Murder as defined in Section 13A-6-2.
127 ~~(2)~~ (3) Manslaughter as defined in Section 13A-6-3.
128 ~~(3)~~ (4) Assault as defined in Section 13A-6-20, except
129 for subdivision (5) of subsection (a) of Section 13A-6-20, and
130 Section 13A-6-21.
131 (5) Compelling streetgang membership as defined in
132 subsection 13A-6-26(d).
133 (6) Aggravated stalking as defined in 13A-6-91.
134 (7) Domestic violence in the first degree as defined in
135 Section 13A-6-130.
136 (8) Domestic violence in the second degree as defined
137 in Section 13A-6-131.
138 (9) Domestic violence by strangulation or suffocation
139 as defined in Section 13A-6-138.
140 (10) Elder abuse as defined in subsection 38-9-7(b).



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141 ~~(4)~~ (11) Kidnapping in the first degree as defined in
142 Section 13A-6-43.

143 ~~(5)~~ (12) Kidnapping in the second degree as defined in
144 Section 13A-6-44.

145 ~~(6)~~ (13) Rape as defined in Sections 13A-6-61 and
146 13A-6-62.

147 ~~(7)~~ (14) Sodomy as defined in Sections 13A-6-63 and
148 13A-6-64.

149 ~~(8)~~ (15) Sexual torture as defined in Section
150 13A-6-65.1.

151 ~~(9)~~ (16) Sexual abuse as defined in Sections 13A-6-66,
152 13A-6-67, and 13A-6-69.1.

153 ~~(10)~~ (17) Enticing a child to enter a vehicle for
154 immoral purposes as defined in Section 13A-6-69.

155 ~~(11)~~ (18) Facilitating solicitation of unlawful sexual
156 conduct with a child as defined in Section 13A-6-121.

157 ~~(12)~~ (19) Electronic solicitation of a child as defined
158 in Section 13A-6-122.

159 ~~(13)~~ (20) Facilitating the on-line solicitation of a
160 child as defined in Section 13A-6-123.

161 ~~(14)~~ (21) Traveling to meet a child for an unlawful sex
162 act as defined in Section 13A-6-124.

163 ~~(15)~~ (22) Facilitating the travel of a child for an
164 unlawful sex act as defined in Section 13A-6-125.

165 ~~(16)~~ (23) Human trafficking as defined in Sections
166 13A-6-152 and 13A-6-153.

167 ~~(17)~~ (24) Terrorism as defined in Section 13A-10-152.

168 ~~(18)~~ (25) Soliciting or providing support for an act of



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169 terrorism as defined in Section 13A-10-153.

170 ~~(19)~~ (26) Hindering prosecution of terrorism as defined
171 in Section 13A-10-154.

172 ~~(20)~~ (27) Endangering the water supply as defined in
173 Section 13A-10-171.

174 ~~(21)~~ (28) Possession, manufacture, transport, or
175 distribution of a destructive device or bacteriological or
176 biological weapon as defined in Section 13A-10-193.

177 ~~(22)~~ (29) Selling, furnishing, giving away, delivering,
178 or distribution of a destructive device, a bacteriological
179 weapon, or biological weapon to a person who is less than 21
180 years of age as defined in Section 13A-10-194.

181 ~~(23)~~ (30) Possession, manufacture, transport, or
182 distribution of a detonator, explosive, poison, or hoax device
183 as defined in Section 13A-10-195.

184 ~~(24)~~ (31) Possession or distribution of a hoax device
185 represented as a destructive device or weapon as defined in
186 subsection (c) of Section 13A-10-196.

187 ~~(25)~~ (32) Attempt to commit an explosives or destructive
188 device or bacteriological or biological weapons crime as
189 defined in Section 13A-10-197.

190 ~~(26)~~ (33) Conspiracy to commit an explosives or
191 destructive device or bacteriological or biological weapons
192 crime as defined in Section 13A-10-198.

193 ~~(27)~~ (34) Hindrance or obstruction during detection,
194 disarming, or destruction of a destructive device or weapon as
195 defined in Section 13A-10-199.

196 ~~(28)~~ (35) Possession or distribution of a destructive



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197 device or weapon intended to cause injury or destruction as
198 defined in Section 13A-10-200.

199 ~~(29)~~ (36) Treason as defined in Section 13A-11-2.

200 ~~(30)~~ (37) Dissemination or public display of obscene
201 matter containing visual depiction of persons under 17 years
202 of age involved in obscene acts as defined in Section
203 13A-12-191.

204 ~~(31)~~ (38) Possession and possession with intent to
205 disseminate obscene matter containing visual depiction of
206 persons under 17 years of age involved in obscene acts as
207 defined in Section 13A-12-192.

208 ~~(32)~~ (39) Parents or guardians permitting children to
209 engage in production of obscene matter as defined in Section
210 13A-12-196.

211 ~~(33)~~ (40) Production of obscene matter containing visual
212 depiction of persons under 17 years of age involved in obscene
213 acts as defined in Section 13A-12-197.

214 ~~(34)~~ (41) Distribution, possession with intent to
215 distribute, production of obscene material, or offer or
216 agreement to distribute or produce, as defined in Section
217 13A-12-200.2.

218 ~~(35)~~ (42) Trafficking in cannabis, cocaine, or other
219 illegal drugs or trafficking in amphetamine and
220 methamphetamine as defined in Section 13A-12-231.

221 ~~(36)~~ (43) Bigamy as defined in Section 13A-13-1.

222 ~~(37)~~ (44) Incest as defined in Section 13A-13-3.

223 ~~(38)~~ (45) Torture or other willful maltreatment of a
224 child under ~~the age of~~ 18 years of age as defined in Section



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225 26-15-3.

226 ~~(39)~~ (46) Aggravated child abuse as defined in Section

227 26-15-3.1.

228 ~~(40)~~ (47) Prohibited acts in the offer, sale, or

229 purchase of securities as defined in Section 8-6-17.

230 ~~(41)~~ (48) Burglary as defined in Sections 13A-7-5 and

231 13A-7-6.

232 ~~(42)~~ (49) Aggravated theft by deception as defined in

233 Section 13A-8-2.1.

234 ~~(43)~~ (50) Theft of property as defined in Sections

235 13A-8-3 and 13A-8-4.

236 ~~(44)~~ (51) Theft of lost property as defined in Sections

237 13A-8-7 and 13A-8-8.

238 ~~(45)~~ (52) Theft of trademarks or trade secrets as

239 defined in Section 13A-8-10.4.

240 ~~(46)~~ (53) Robbery as defined in Sections 13A-8-41,

241 13A-8-42, and 13A-8-43.

242 ~~(47)~~ (54) Forgery as defined in Sections 13A-9-2 and

243 13A-9-3.

244 (55) Any felony committed against an election official

245 pursuant to Section 13A-5-14.

246 ~~(48)~~ (56) Any crime as defined by the laws of the United

247 States or by the laws of another state, territory, country, or

248 other jurisdiction, which, if committed in this state, would

249 constitute one of the offenses listed in this subsection.

250 (d) Any attempt as defined in Section 13A-4-2,

251 conspiracy as defined in Sections 13A-4-3 and 13A-4-4, or

252 solicitation as defined in Section 13A-4-1 to commit a crime



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253 of moral turpitude shall be considered a crime of moral
254 turpitude for purposes of this section.

255 ~~(d)~~ (e) Nothing in this section shall be interpreted as
256 determining moral turpitude for any purpose other than
257 disqualifying ~~a person~~ an individual from exercising his or
258 her right to vote.

259 ~~(e)~~ (f) The felonies involving moral turpitude listed in
260 subsection (c) are the only felonies for which ~~a person~~ an
261 individual, upon conviction, may be disqualified from voting.
262 ~~Additional felonies may be added to the list in subsection (c)~~
263 ~~only by amendment to this section."~~

264 Section 3. This act shall become effective on October
265 1, 2024.



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House of Representatives

269 Read for the first time and referred06-Feb-24
270 to the House of Representatives
271 committee on Judiciary
272
273 Read for the second time and placed04-Apr-24
274 on the calendar:
275 1 amendment
276
277 Read for the third time and passed16-Apr-24
278 as amended
279 Yeas 95
280 Nays 0
281 Abstains 5
282
283

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John Treadwell
Clerk