

HB100 ENROLLED



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



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1 Enrolled, An Act,

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

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

13 §13A-5-14

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

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

20 (2) On conviction of a Class B felony, the sentence
21 shall not be less than 10 years.

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

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

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



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

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

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

40 "§17-3-30.1

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

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

45 a. That Section 177 Article VIII of the Constitution of
46 Alabama of ~~1901~~2022, now appearing as Section 177 of Article
47 ~~VIII of the Official Recompilation of the Constitution of~~
48 ~~Alabama of 1901, as amended~~, provides that Alabama citizens
49 shall lose the right to vote when convicted of a crime only if
50 the conviction was for a felony involving moral turpitude.

51 b. ~~Under~~ That under general law, there is no
52 comprehensive list of felonies that involve moral turpitude
53 ~~which~~ that disqualify ~~a person~~ an individual from exercising his
54 or her right to vote. Neither individuals with felony
55 convictions nor election officials have a comprehensive,
56 authoritative source for determining if a felony conviction



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57 involves moral turpitude and is therefore a disqualifying
58 felony.

59 (2) The purposes of this section are all of the
60 following:

61 a. To give full effect to Section 177 Article VIII of
62 the Constitution of Alabama of 1901-2022, ~~now appearing as~~
63 ~~Section 177 of Article VIII of the Official Recompilation of~~
64 ~~the Constitution of Alabama of 1901, as amended.~~

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

67 c. To provide a comprehensive list of acts that
68 constitute moral turpitude for the limited purpose of
69 disqualifying a ~~person~~ an individual from exercising his or her
70 right to vote.

71 (c) For purposes of Section 177 Article VIII of the
72 Constitution of Alabama of 1901-2022, ~~now appearing as Section~~
73 ~~177 of Article VIII of the Official Recompilation of the~~
74 ~~Constitution of Alabama of 1901, as amended, a person an~~
75 individual is disqualified to vote by reason of conviction of
76 a felony involving moral turpitude only when convicted of any
77 of the following offenses in a degree constituting a felony:

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

80 ~~a. Subdivision (1) of subsection (a) of Section~~
81 ~~13A-5-40.~~

82 ~~b. Subdivision (2) of subsection (a) of Section~~
83 ~~13A-5-40.~~

84 ~~c. Subdivision (3) of subsection (a) of Section~~



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85 ~~13A-5-40.~~

86 ~~d. Subdivision (4) of subsection (a) of Section~~

87 ~~13A-5-40.~~

88 ~~e. Subdivision (5) of subsection (a) of Section~~

89 ~~13A-5-40.~~

90 ~~f. Subdivision (6) of subsection (a) of Section~~

91 ~~13A-5-40.~~

92 ~~g. Subdivision (7) of subsection (a) of Section~~

93 ~~13A-5-40.~~

94 ~~h. Subdivision (8) of subsection (a) of Section~~

95 ~~13A-5-40.~~

96 ~~i. Subdivision (9) of subsection (a) of Section~~

97 ~~13A-5-40.~~

98 ~~j. Subdivision (10) of subsection (a) of Section~~

99 ~~13A-5-40.~~

100 ~~k. Subdivision (11) of subsection (a) of Section~~

101 ~~13A-5-40.~~

102 ~~l. Subdivision (12) of subsection (a) of Section~~

103 ~~13A-5-40.~~

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

105 ~~13A-5-40.~~

106 ~~n. Subdivision (14) of subsection (a) of Section~~

107 ~~13A-5-40.~~

108 ~~o. Subdivision (15) of subsection (a) of Section~~

109 ~~13A-5-40.~~

110 ~~p. Subdivision (16) of subsection (a) of Section~~

111 ~~13A-5-40.~~

112 ~~q. Subdivision (17) of subsection (a) of Section~~



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113 ~~13A-5-40.~~

114 ~~r. Subdivision (18) of subsection (a) of Section~~

115 ~~13A-5-40.~~

116 ~~s. Subdivision (19) of subsection (a) of Section~~

117 ~~13A-5-40.~~

118 ~~t.~~ (2) Murder as defined in Section 13A-6-2.

119 ~~(2)~~ (3) Manslaughter as defined in Section 13A-6-3.

120 ~~(3)~~ (4) Assault as defined in Section 13A-6-20, except
121 for subdivision (5) of subsection (a) of Section 13A-6-20, and
122 Section 13A-6-21.

123 (5) Compelling streetgang membership as defined in
124 subsection 13A-6-26(d).

125 (6) Aggravated stalking as defined in 13A-6-91.

126 (7) Domestic violence in the first degree as defined in
127 Section 13A-6-130.

128 (8) Domestic violence in the second degree as defined
129 in Section 13A-6-131.

130 (9) Domestic violence by strangulation or suffocation
131 as defined in Section 13A-6-138.

132 (10) Elder abuse as defined in subsection 38-9-7(b).

133 ~~(4)~~ (11) Kidnapping in the first degree as defined in
134 Section 13A-6-43.

135 ~~(5)~~ (12) Kidnapping in the second degree as defined in
136 Section 13A-6-44.

137 ~~(6)~~ (13) Rape as defined in Sections 13A-6-61 and
138 13A-6-62.

139 ~~(7)~~ (14) Sodomy as defined in Sections 13A-6-63 and
140 13A-6-64.



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141 ~~(8)~~ (15) Sexual torture as defined in Section
142 13A-6-65.1.

143 ~~(9)~~ (16) Sexual abuse as defined in Sections 13A-6-66,
144 13A-6-67, and 13A-6-69.1.

145 ~~(10)~~ (17) Enticing a child to enter a vehicle for
146 immoral purposes as defined in Section 13A-6-69.

147 ~~(11)~~ (18) Facilitating solicitation of unlawful sexual
148 conduct with a child as defined in Section 13A-6-121.

149 ~~(12)~~ (19) Electronic solicitation of a child as defined
150 in Section 13A-6-122.

151 ~~(13)~~ (20) Facilitating the on-line solicitation of a
152 child as defined in Section 13A-6-123.

153 ~~(14)~~ (21) Traveling to meet a child for an unlawful sex
154 act as defined in Section 13A-6-124.

155 ~~(15)~~ (22) Facilitating the travel of a child for an
156 unlawful sex act as defined in Section 13A-6-125.

157 ~~(16)~~ (23) Human trafficking as defined in Sections
158 13A-6-152 and 13A-6-153.

159 ~~(17)~~ (24) Terrorism as defined in Section 13A-10-152.

160 ~~(18)~~ (25) Soliciting or providing support for an act of
161 terrorism as defined in Section 13A-10-153.

162 ~~(19)~~ (26) Hindering prosecution of terrorism as defined
163 in Section 13A-10-154.

164 ~~(20)~~ (27) Endangering the water supply as defined in
165 Section 13A-10-171.

166 ~~(21)~~ (28) Possession, manufacture, transport, or
167 distribution of a destructive device or bacteriological or
168 biological weapon as defined in Section 13A-10-193.



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169 ~~(22)~~(29) Selling, furnishing, giving away, delivering,
170 or distribution of a destructive device, a bacteriological
171 weapon, or biological weapon to a person who is less than 21
172 years of age as defined in Section 13A-10-194.

173 ~~(23)~~(30) Possession, manufacture, transport, or
174 distribution of a detonator, explosive, poison, or hoax device
175 as defined in Section 13A-10-195.

176 ~~(24)~~(31) Possession or distribution of a hoax device
177 represented as a destructive device or weapon as defined in
178 subsection (c) of Section 13A-10-196.

179 ~~(25)~~(32) Attempt to commit an explosives or destructive
180 device or bacteriological or biological weapons crime as
181 defined in Section 13A-10-197.

182 ~~(26)~~(33) Conspiracy to commit an explosives or
183 destructive device or bacteriological or biological weapons
184 crime as defined in Section 13A-10-198.

185 ~~(27)~~(34) Hindrance or obstruction during detection,
186 disarming, or destruction of a destructive device or weapon as
187 defined in Section 13A-10-199.

188 ~~(28)~~(35) Possession or distribution of a destructive
189 device or weapon intended to cause injury or destruction as
190 defined in Section 13A-10-200.

191 ~~(29)~~(36) Treason as defined in Section 13A-11-2.

192 ~~(30)~~(37) Dissemination or public display of obscene
193 matter containing visual depiction of persons under 17 years
194 of age involved in obscene acts as defined in Section
195 13A-12-191.

196 ~~(31)~~(38) Possession and possession with intent to



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197 disseminate obscene matter containing visual depiction of
198 persons under 17 years of age involved in obscene acts as
199 defined in Section 13A-12-192.

200 ~~(32)~~(39) Parents or guardians permitting children to
201 engage in production of obscene matter as defined in Section
202 13A-12-196.

203 ~~(33)~~(40) Production of obscene matter containing visual
204 depiction of persons under 17 years of age involved in obscene
205 acts as defined in Section 13A-12-197.

206 ~~(34)~~(41) Distribution, possession with intent to
207 distribute, production of obscene material, or offer or
208 agreement to distribute or produce, as defined in Section
209 13A-12-200.2.

210 ~~(35)~~(42) Trafficking in cannabis, cocaine, or other
211 illegal drugs or trafficking in amphetamine and
212 methamphetamine as defined in Section 13A-12-231.

213 ~~(36)~~(43) Bigamy as defined in Section 13A-13-1.

214 ~~(37)~~(44) Incest as defined in Section 13A-13-3.

215 ~~(38)~~(45) Torture or other willful maltreatment of a
216 child ~~under the age of 18~~ years of age as defined in Section
217 26-15-3.

218 ~~(39)~~(46) Aggravated child abuse as defined in Section
219 26-15-3.1.

220 ~~(40)~~(47) Prohibited acts in the offer, sale, or
221 purchase of securities as defined in Section 8-6-17.

222 ~~(41)~~(48) Burglary as defined in Sections 13A-7-5 and
223 13A-7-6.

224 ~~(42)~~(49) Aggravated theft by deception as defined in



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225 Section 13A-8-2.1.

226 ~~(43)~~(50) Theft of property as defined in Sections
227 13A-8-3 and 13A-8-4.

228 ~~(44)~~(51) Theft of lost property as defined in Sections
229 13A-8-7 and 13A-8-8.

230 ~~(45)~~(52) Theft of trademarks or trade secrets as
231 defined in Section 13A-8-10.4.

232 ~~(46)~~(53) Robbery as defined in Sections 13A-8-41,
233 13A-8-42, and 13A-8-43.

234 ~~(47)~~(54) Forgery as defined in Sections 13A-9-2 and
235 13A-9-3.

236 (55) Any felony committed against an election official
237 pursuant to Section 13A-5-14.

238 ~~(48)~~(56) Any crime as defined by the laws of the United
239 States or by the laws of another state, territory, country, or
240 other jurisdiction, which, if committed in this state, would
241 constitute one of the offenses listed in this subsection.

242 (d) Any attempt as defined in Section 13A-4-2,
243 conspiracy as defined in Sections 13A-4-3 and 13A-4-4, or
244 solicitation as defined in Section 13A-4-1 to commit a crime
245 of moral turpitude shall be considered a crime of moral
246 turpitude for purposes of this section.

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

251 ~~(e)~~(f) The felonies involving moral turpitude listed in
252 subsection (c) are the only felonies for which ~~a person~~ an



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253 individual, upon conviction, may be disqualified from voting.
254 ~~Additional felonies may be added to the list in subsection (c)~~
255 ~~only by amendment to this section."~~

256 Section 3. This act shall become effective on October
257 1, 2024.



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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 16-Apr-24, as amended.

John Treadwell
Clerk

Senate

08-May-24

Passed