

1 HB104
2 209445-2
3 By Representative Gaston
4 RFD: Judiciary
5 First Read: 11-JAN-22

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ENROLLED, An Act,

Relating to pardons and paroles; to amend Section 15-22-113, Code of Alabama 1975; to further provide for the conditions in which a felon qualifies for a posthumous pardon.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 15-22-113, Code of Alabama 1975, is amended to read as follows:

"§15-22-113.

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

"(1) He or she is deceased.

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

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

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

"(b) A petitioner may petition the board to consider granting a posthumous pardon for a specific compelling reason or reasons for the purpose of remedying social injustice

1 ~~associated with racial discrimination~~ evident by the person's
2 circumstances of conviction.

3 "(c) (1) The petition shall include attestations of
4 all of the following:

5 "a. That the petitioner is an eligible petitioner
6 under this article.

7 "b. That the petitioner has personally conducted an
8 intelligent evaluation of the person's case.

9 "c. The compelling reason or reasons for which the
10 petitioner requests a posthumous pardon for the purpose of
11 remedying social injustice ~~associated with racial~~
12 ~~discrimination~~ evident by the person's circumstances of
13 conviction.

14 "d. That all information contained in the petition
15 and any supporting documentation or evidence submitted by the
16 petitioner is believed to be true and accurate.

17 "(2) The petition shall also include supporting
18 documentation or evidence of the compelling reason or reasons
19 supporting the award of a posthumous pardon.

20 "(d) The board shall have no power to grant a
21 posthumous pardon unless the petition specifies a compelling
22 reason or reasons for which the petitioner seeks application
23 for the candidate's posthumous pardon to remedy social
24 injustice ~~associated with racial discrimination~~ evident by the
25 person's circumstances of conviction.

1 "(e) Following receipt and review of the petition
2 and supporting documentation or evidence, the board shall
3 conduct a hearing on the petition. The board shall not be
4 required to conduct an investigation to consider or grant a
5 posthumous pardon in accordance with this article, but may
6 rely on the written petition and accompanying documentation or
7 evidence, along with evidence presented at the hearing. The
8 petitioner, public officials, and other witnesses, including
9 members of the public, may testify and present evidence at the
10 hearing in support of or in opposition to the petition. The
11 board shall hold ultimate discretion in granting a posthumous
12 pardon. Upon the unanimous affirmative vote of the board, a
13 posthumous pardon may be issued.

14 "(f) The notification requirements of Sections
15 15-22-23 and 15-22-36, shall not apply to this article, and
16 the board's power to grant posthumous pardons shall not
17 otherwise be limited by Sections 15-22-23 and 15-22-36. The
18 board shall provide general notice of a posthumous pardon
19 hearing by publicly posting on the state agency website the
20 name of the posthumous pardon candidate along with the date,
21 time, and location of the hearing."

22 Section 2. This act shall become effective on the
23 first day of the third month following its passage and
24 approval by the Governor, or its otherwise becoming law.

