

1 SB245  
2 69340-1  
3 By Senator Sanders  
4 RFD: Judiciary  
5 First Read: 22-MAR-11

SYNOPSIS: Under existing law, the execution of a death sentence is performed by the warden of William C. Holman Prison, or his or her deputy, by electrocution at Atmore, Alabama.

This bill would place a moratorium on the death penalty for a period of three years until certain procedures are implemented to ensure that death penalty cases are administered fairly and impartially.

A BILL  
TO BE ENTITLED  
AN ACT

Relating to the death penalty; providing for a moratorium on the imposition and execution of the death penalty; and providing for the implementation of certain procedures for imposing the death sentence.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1           Section 1. (a) There shall be a moratorium of three  
2 years on the imposition or execution, or both, of the death  
3 penalty pursuant to Article 2 of Chapter 5 of Title 13 of the  
4 Code of Alabama 1975.

5           (b) During the moratorium provided in subsection  
6 (a), the following procedures shall be implemented to ensure  
7 that death penalty cases are administered fairly and  
8 impartially, in accordance with due process, and to minimize  
9 the risk of innocent persons being executed:

10           (1) The American Bar Association Guidelines for the  
11 Appointment and Performance of Counsel in Death Penalty Cases.

12           (2) Due process procedures to preserve and enhance  
13 state post conviction relief in death sentence cases.

14           (3) Procedures to eliminate discrimination in  
15 capital sentencing on the basis of race of either the victim  
16 or defendant.

17           (4) Due process procedures to prevent the execution  
18 of mentally retarded persons and persons who were under the  
19 age of 18 at the time of the offense.

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