

SB118 ENGROSSED



1 SB118
2 UA6WXXG-2
3 By Senator Barfoot (Constitutional Amendment)
4 RFD: Judiciary
5 First Read: 05-Feb-25



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A BILL
TO BE ENTITLED
AN ACT

To propose an amendment to Section 16 of the Constitution of Alabama of 2022, to provide for additional offenses that would allow a judge to deny bail under certain circumstances.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 2022, is proposed:

PROPOSED AMENDMENT

Section 16 of the Constitution of Alabama of 2022, is amended to read as follows:

Section 16.

That all persons shall, before conviction, be bailable by sufficient sureties, unless charged with capital murder, as provided in Section 13A-5-40, Code of Alabama 1975, as amended; murder, as provided in Section 13A-6-2, Code of Alabama 1975, as amended, or any solicitation, attempt, or conspiracy to commit murder; kidnapping in the first degree,



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29 as provided in Section 13A-6-43, Code of Alabama 1975, as
30 amended; rape in the first degree, as provided in Section
31 13A-6-61, Code of Alabama 1975, as amended; sodomy in the
32 first degree, as provided in Section 13A-6-63, Code of Alabama
33 1975, as amended; sexual torture, as provided in Section
34 13A-6-65.1, Code of Alabama 1975, as amended; domestic
35 violence in the first degree, as provided in Section
36 13A-6-130, Code of Alabama 1975, as amended; human trafficking
37 in the first degree, as provided in Section 13A-6-152, Code of
38 Alabama 1975, as amended; burglary in the first degree, as
39 provided in Section 13A-7-5, Code of Alabama 1975, as amended;
40 arson in the first degree, as provided in Section 13A-7-41,
41 Code of Alabama 1975, as amended; robbery in the first degree,
42 as provided in Section 13A-8-41, Code of Alabama 1975, as
43 amended; terrorism, as provided in subdivision (b)(2) of
44 Section 13A-10-152, Code of Alabama 1975, as amended; ~~and~~
45 aggravated child abuse, as provided in subsection (b) of
46 Section 26-15-3.1, Code of Alabama 1975, as amended; and
47 shooting or discharging a firearm, explosive, or other weapon
48 into an occupied dwelling, building, railroad locomotive,
49 railroad car, aircraft, automobile, truck, or watercraft, as
50 provided in Section 13A-11-61(b); and that excessive
51 bail shall not in any case be required.

52 END OF PROPOSED AMENDMENT

53 Section 2. An election upon the proposed amendment
54 shall be held at the statewide primary election in 2026 in
55 accordance with Sections 284 and 285 of the Constitution of
56 Alabama of 2022, and the election laws of this state. The



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57 appropriate election official shall assign a ballot number for
58 the proposed constitutional amendment on the election ballot
59 and shall set forth the following description of the substance
60 or subject matter of the proposed constitutional amendment:

61 "Proposing an amendment to the Constitution of Alabama
62 of 2022, to provide that the following offenses shall be
63 offenses for which a judge may deny bail: shooting or
64 discharging a firearm into an occupied dwelling or other
65 occupied space in violation of Section 13A-11-61(b), Code of
66 Alabama 1975; or any solicitation, attempt, or conspiracy to
67 commit murder.

68 Proposed by Act ____."

69 This description shall be followed by the following
70 language:

71 "Yes () No()."

72 Section 3. The proposed amendment shall become valid as
73 a part of the Constitution of Alabama of 2022, when approved
74 by a majority of the qualified electors voting thereon.



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75
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77 Senate

78 Read for the first time and referred05-Feb-25
79 to the Senate committee on Judiciary
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81 Read for the second time and placed12-Feb-25
82 on the calendar:
83 1 amendment
84
85 Read for the third time and passed25-Feb-25
86 as amended
87 Yeas 29
88 Nays 0
89 Abstains 0
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Patrick Harris,
Secretary.

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