

1 HB45
2 33008-10
3 By Representative Venable (Constitutional Amendment)
4 RFD: Elections
5 First Read: 08-JAN-2002
6 PFD 01/07/2002

1 ARTICLE I

2 Declaration of Rights

3 Section 1.01. The Equality and Rights of All Men and
4 Women.

5 All men and women are equally free and independent:
6 they are endowed by their Creator with certain inalienable
7 rights: among these are life, liberty, and the pursuit of
8 happiness.

9 Section 1.02. Freedoms of Religion, Speech, Press,
10 Assembly, and Petition.

11 No law shall be enacted respecting an establishment
12 of religion or prohibiting the free exercise thereof, or
13 abridging the freedom of speech or of the press, or the right
14 of the people peaceably to assemble and to petition the
15 government for redress of grievance.

16 Section 1.03. Due Process and Equal Protection.

17 No person shall be deprived of life, liberty, or
18 property without due process of law, nor be denied the equal
19 protection of the laws.

20 Section 1.04. Searches and Seizures.

21 The people shall be secure in their persons, houses,
22 papers, and possessions from unreasonable seizure or searches,
23 and no warrants shall be issued to search any place or to
24 seize any person or thing without probable cause, supported by
25 oath or affirmation.

26 Section 1.05. Rights of an Accused.

1 (a) In general. In all criminal prosecutions the
2 accused has a right: To be heard personally and by counsel, or
3 either; to be informed of the accusation, and to have a copy
4 thereof; to be confronted by the witnesses against him or her;
5 to have compulsory process for obtaining witnesses in his or
6 her favor; to have a speedy, public trial; to testify in all
7 cases, on his or her own behalf, if he or she elects to do so;
8 and to not be compelled to give evidence against himself or
9 herself.

10 (b) Indictment. No person shall for any indictable
11 offense be proceeded against criminally by information, except
12 in cases arising in the militia and volunteer forces when in
13 actual service, or when assembled under arms as a military
14 organization, or, by leave of the court, for misfeasance,
15 misdemeanor, extortion, and oppression in office, otherwise
16 than is provided in the Constitution. In cases of misdemeanor,
17 the Legislature may by law dispense with a grand jury and
18 authorize prosecutions and proceedings before any inferior
19 courts as may be by law established. In all felony cases,
20 except those punishable by capital punishment, the Legislature
21 may by law dispense with a grand jury and authorize
22 prosecutions and proceedings in any manner as may be provided
23 by law if the defendant, after having had the advice of
24 counsel of his or her choice or in the event he or she is
25 unable to employ counsel, the advice of counsel which shall be
26 appointed by the court, makes known in open court to a judge

1 of a court having jurisdiction of the offense that he or she
2 desires to plead guilty.

3 (c) Bail. Excessive bail shall not be required and
4 all persons before conviction shall be bailable by sufficient
5 sureties, except for offenses punishable by death or life
6 imprisonment in which the proof is evident or the presumption
7 great. The court may dispense with bail and prescribe other
8 reasonable conditions for release pending trial, if reasonably
9 satisfied that the defendant will appear when directed.

10 (d) Trial by Jury. A right of trial by an impartial
11 jury of the county or district in which the offense was
12 committed shall exist in all cases of felony and offenses
13 punishable by imprisonment for more than six months, provided
14 the Legislature may provide for a change of venue on motion of
15 the state or the defendant. The accused may expressly waive
16 the right to ~~trial~~ trial by jury with the consent of the state
17 and the court.

18 (e) Punishment. Excessive fines shall not be
19 imposed, nor cruel or unusual punishment inflicted.

20 (f) Former Jeopardy. No person, for the same
21 offense, shall be twice put in jeopardy of conviction; but
22 courts, for reasons fixed by law, may discharge juries from
23 consideration of any case, and no person shall gain an
24 advantage by reason of such discharge of the jury.

25 Section 1.06. Rights of Crime Victims.

1 (a) Crime victims, as defined by law, or their
2 lawful representatives, including the next of kin of homicide
3 victims, are entitled to the right to be informed, to be
4 present, and to be heard when authorized, at all crucial
5 stages of criminal proceedings, to the extent that these
6 rights do not interfere with the constitutional rights of the
7 person accused of committing the crime.

8 (b) Nothing in this section or in any enabling
9 statute adopted pursuant to this section shall be construed as
10 creating a cause of action against the state or any of its
11 agencies, officials, employees, or political subdivisions. The
12 Legislature may from time to time enact enabling legislation
13 to carry out and implement this section.

14 Section 1.07. Right to Trial By Jury.

15 The right of trial by jury shall remain inviolate.
16 In both civil and criminal cases, qualifications of jurors
17 shall be fixed by law. In criminal cases, trial by jury shall
18 be by 12 jurors. In civil cases, trial by jury shall be by 12
19 jurors unless all parties agree to a lesser number which shall
20 not be fewer than six jurors.

21 Section 1.08. Habeas Corpus.

22 The privilege of the writ of habeas corpus shall not
23 be suspended.

24 Section 1.09. Imprisonment for Debt.

25 No person shall be imprisoned for debt.

26 Section 1.10. Treason.

1 Treason against the state shall consist only in
2 levying war against it, or adhering to its enemies, giving
3 them aid and comfort; and no person shall be convicted of
4 treason, except on the testimony of two witnesses to the same
5 overt act, or upon the person's confession in open court.

6 Section 1.11. Civil Actions.

7 (1) No person shall be barred from prosecuting or
8 defending before any tribunal in this state, personally or by
9 counsel, any civil cause to which the person is a party.

10 (2) All courts shall be open; and every person, for
11 any injury done personally or to the lands, goods, person, or
12 reputation of the person; shall have a remedy by due process
13 of law, and right and justice shall be administered without
14 sale, denial, or delay.

15 Section 1.12. Right to Sue the State.

16 The State of Alabama shall never be made a defendant
17 in any court of law or equity.

18 Section 1.13. Right to Bear Arms.

19 Every citizen has a right to bear arms in defense of
20 himself or herself and the state.

21 Section 1.14. Rights of Sportspersons.

22 All persons shall have the right to hunt and fish in
23 this state in accordance with law and regulations.

24 Section 1.15. Forbidden Legislation.

25 No ex post facto law, nor any law impairing the
26 obligations of contracts, or making any irrevocable or

1 exclusive grants of special privileges or immunities, shall be
2 passed by the Legislature; and every grant or franchise,
3 privilege, or immunity shall forever remain subject to
4 revocation, alteration, or amendment.

5 Section 1.16 Eminent Domain.

6 Private property shall not be taken or damaged
7 except for public use, or to secure to persons or corporations
8 the right of way over the lands of others pursuant to general
9 law, and unless just compensation is first made therefor.

10 Section 1.17. Suspension of Laws.

11 No power of suspending laws shall be exercised
12 except by the Legislature.

13 Section 1.18 Subordination of Military Power.

14 The military shall be held in strict subordination
15 to the civil power.

16 Section 1.19. Declaration of Rights.

17 The enumeration in the Constitution, of certain
18 rights, shall not be construed to deny or disparage others
19 retained by the people, and they shall at all times have the
20 right to change their form of government as they deem
21 expedient.

22 Section 1.20. The boundaries of the state and its
23 counties, and the location of county courthouses, as they now
24 exist, are hereby ratified and confirmed.

25 ~~The enumeration in the Constitution, of certain~~
26 ~~rights, shall not be construed to deny or disparage others~~

1 ~~retained by the people, and they shall at all times have the~~
2 ~~right to change their form of government as they deem~~
3 ~~expedient.~~

4 Amendments 37, 557, 597, and 598 of the Constitution
5 of Alabama of 1901, are repealed.

6 Section 2. An election upon the proposed amendment
7 shall be held in accordance with Sections 284 and 285 of the
8 Constitution of Alabama of 1901, as amended, and the election
9 laws of this state.

10 Section 3. The appropriate election official shall
11 assign a ballot number for the proposed constitutional
12 amendment on the election ballot and shall set forth the
13 following description of the substance or subject matter of
14 the proposed constitutional amendment: "Proposing an amendment
15 to the Constitution of Alabama of 1901, to provide for a
16 revised Article I relating to the Declaration of Rights and to
17 repeal the current Article I and Amendments 37, 557, 597, and
18 598 of the Constitution of Alabama of 1901, which have been
19 incorporated into the revised article. Proposed by Act
20 _____."

21 This description shall be followed by the following
22 language: "Yes () No ()."

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House of Representatives

Read for the first time and 08-JAN-2002
referred to the House of Rep-
resentatives committee on
Elections
Read for the second time and 10-JAN-2002
placed on the calendar with 1
substitute and
Read for the third time and 15-JAN-2002
passed as amended
Yeas 93, Nays 0, Abstains 1

Greg Pappas
Clerk