



STATE OF ALABAMA
PROCLAMATION
BY THE GOVERNOR

WHEREAS the Alabama Legislature at its 2019 Regular Session enacted Act No. 2019-330 (SB 313), Act No. 2019-187 (SB 216), Act No. 2019-346 (HB 505), Act No. 2019-271 (HB 328), Act No. 2019-194 (HB 536), and Act No. 2019-193 (HB 461), proposing amendments to the Constitution of Alabama of 1901;

WHEREAS, in conformity with Section 284 of the Constitution of Alabama of 1901, as amended, the Legislature has ordered an election by the qualified electors of the state upon such proposed amendments; and

WHEREAS notice of this election, together with the proposed amendments, is required by law to be given by proclamation of the Governor, which shall be published once a week for at least four successive weeks immediately preceding the day appointed for the election;

NOW, THEREFORE, I, Kay Ivey, as Governor of the State of Alabama, do hereby give notice, direct, and proclaim that on Tuesday, November 3, 2020, an election will be held in the State of Alabama in the manner and form provided by law upon the following proposed amendments to the Constitution of 1901 of the State of Alabama:

AMENDMENT PROPOSED BY ACT NO. 2019-330

Article VIII of the Constitution of Alabama of 1901, as amended, now appearing as Section 177 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, is amended to read as follows:

"ARTICLE VIII.

"SUFFRAGE AND ELECTIONS.

"(a) ~~Every~~ Only a citizen of the United States who has attained the age of eighteen years and has resided in this state and in a county thereof for the time provided by law, if registered as provided by law, shall have the right to vote in the county of his or her residence. The Legislature may prescribe reasonable and nondiscriminatory requirements as prerequisites to registration for voting. The Legislature shall, by statute, prescribe a procedure by which eligible citizens can register to vote.

"(b) No person convicted of a felony involving moral turpitude, or who is mentally incompetent, shall be qualified to vote until restoration of civil and political rights or removal of disability.

"(c) The Legislature shall by law provide for the registration of voters, absentee voting, secrecy in voting, the administration of elections, and the nomination of candidates."

AMENDMENT PROPOSED BY ACT NO. 2019-187

(a) The following amendments to the Constitution of Alabama of 1901 are repealed:

(1) Amendment 580 of the Constitution of Alabama of 1901, now appearing as Section 158 of the Official Recompilation of the Constitution of Alabama of 1901, as amended

(2) Section 6.21 of Amendment 328 of the Constitution of Alabama of 1901, now appearing as Section 161 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.

(3) Amendment 226 of the Constitution of Alabama of 1901, now appearing as Section 162 of the Official Recompilation of the Constitution of Alabama of 1901, as amended

(b) Section 6.05 of Amendment 328; Section 6.09 of Amendment 328, as further amended by Amendment 426; Sections 6.10, 6.12, 6.14, and 6.16 of Amendment 328; Sections 6.17 and 6.18 of Amendment 328, as amended by Amendment 581; Sections 6.19 and 6.20 of Amendment 328, and Sections 173 and 174 of the Constitution of Alabama of 1901, now appearing as Sections 143, 148, 149, 151, 153, 155, 156, 157, 159, 160, 162, 173, and 174 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, are amended to read as follows:

"Amendment 328.

"Section 6.05.

"(a) The district court shall be a court of limited jurisdiction and shall exercise uniform original jurisdiction in such cases, and within ~~such~~ the geographical boundaries, as shall be prescribed by law; ~~provided,~~ that the district court shall hold court in each county seat and at ~~such~~ other places as prescribed by law.

"(b) The district court shall have jurisdiction of all cases arising under ordinances of municipalities in which there is no municipal court ~~and shall hold court in each incorporated municipality of a population of 1000 or more where there is no municipal court at places~~ prescribed by law.

"Amendment 328, as amended by Amendment 426.

"Section 6.09.

"(a) A state judicial compensation commission is ~~hereby~~ created which shall recommend the salary and expense allowances to be paid from the ~~state treasury~~ State Treasury for all the judges of this state, except for judges of the probate court. The commission shall consist of five members; ~~one~~ One shall be appointed by the ~~governor~~ Governor, one by the ~~president~~ President of the ~~senate~~ Senate, one by the ~~speaker~~ Speaker of the ~~house~~ House, and two by the governing body of the Alabama ~~state bar~~ State Bar.

"(b) Members of the judicial compensation commission shall serve for terms of four years. Any vacancy on the commission shall be filled in the same manner in which ~~such~~ the position was originally filled. The ~~legislature~~ Legislature shall appropriate sufficient funds for the expenses of the commission.

"(c) No member of the commission shall hold any other public office, or office in any political party, and no member of the commission shall be eligible for appointment to a state judicial office so long as he or she is a member of the commission and for two years thereafter.

"(d) The commission may submit a report to the ~~legislature~~ Legislature at any time within the first five calendar days of any session. The recommendations of the commission shall become law upon confirmation by a joint resolution or such recommendations may be altered by an act of the ~~legislature~~ Legislature at the session to which the report is submitted. The compensation of a judge shall not be diminished during his or her official term.

"Amendment 328.

"Section 6.10.

"(a) The ~~chief justice~~ Chief Justice of the ~~supreme court~~ Supreme Court shall be the administrative head of the judicial system. He shall ~~appoint an administrative director of courts and other needed personnel to assist him with his administrative tasks.~~ The Supreme Court shall appoint an Administrative Director of Courts according to procedures provided by general law. The Administrative Director of Courts shall assist the Chief Justice with his or her administrative tasks. The ~~chief justice~~ Chief Justice may assign appellate justices and judges to any appellate

court for temporary service and may assign trial judges, supernumerary justices and judges, and retired trial judges and retired appellate judges for temporary service in any court.

“(b) The Legislature shall provide adequate Adequate and reasonable financing for the entire unified judicial system shall be provided. Adequate and reasonable appropriations shall be made by the legislature Legislature for the entire unified judicial system, exclusive of probate courts and municipal courts. The legislature Legislature shall receive recommendations for appropriations for the trial courts from the administrative director of courts Administrative Director of Courts and for the appellate courts from each such court. The Legislature shall establish procedures for the appointment of the Administrative Director of Courts.

“Amendment 328.

“Section 6.12.

“(a) The supreme court Supreme Court shall establish criteria for determining the number and boundaries of judicial circuits and districts, and the number of judges needed in each circuit and district. If the supreme court Supreme Court finds that a need exists for increasing or decreasing the number of circuit or district judges, or for changing the boundaries of judicial circuits or districts, it shall, at the beginning of any session of the legislature Legislature, the court shall certify its findings and recommendations to the legislature Legislature.

“(b) If a bill is introduced at any session of the legislature Legislature to increase or decrease the number of circuit or district judges, or to change the boundaries of any judicial circuit or district, the supreme court Supreme Court must, within three weeks, shall report to the legislature Legislature its recommendations on the proposed change. No change shall be made in the number of circuit or district judges, or the boundaries of any judicial circuit or district, unless authorized by an act adopted after the recommendation of the supreme court Supreme Court on such proposal has been filed with the legislature Legislature.

“(c) An act decreasing the number of circuit or district judges shall not affect the right of any judge to hold his or her office for his or her full term.

“Amendment 328.

“Section 6.14.

“The office of a judge shall be vacant if he or she dies, resigns, retires, or is removed. Vacancies in any judicial office shall be filled by appointment by the governor ; however, vacancies occurring in any judicial office in Jefferson county shall be filled as now provided by amendments 83 and 110 to the Constitution of Alabama of 1901 [Jefferson County §§ 8 and 9] and vacancies occurring in Shelby, Madison, Wilcox, Monroe, Conecuh, Clarke, Washington, Henry, Etowah, Walker, Tallapoosa, Pickens, Greene, Tuscaloosa, St. Clair county shall be filled as provided in the Constitution of 1901 with amendments now or hereafter adopted, or as may be otherwise established by a properly advertised and enacted local law Governor, except as specified by a separate local constitutional amendment now existing or hereafter adopted that affects only one county or a political subdivision within one or more counties. A judge, other than a probate judge, appointed to fill a vacancy, shall serve an initial term lasting until the first Monday after the second Tuesday in January following the next general election held after he or she has completed one year in office. At such election, such judicial office shall be filled for a full term of office beginning at the end of the appointed term.

“Amendment 328.

“Section 6.16.

The legislature Legislature shall provide by law for the retirement of judges, including supernumerary judges, with such conditions, retirement benefits, and pensions for ~~them~~ the judges and their dependents as ~~it~~ the Legislature may prescribe. No person shall be elected or appointed to a judicial office after reaching the age of ~~seventy~~ 70 years, provided that a judge over the age of ~~seventy~~ 70 years may be appointed to the office of supernumerary judge if he or she is not eligible to receive state judicial retirement benefits.

"Amendment 328, as amended by Amendment 581.

"Section 6.17.

"(a) A Judicial Inquiry Commission is created consisting of ~~nine~~ 11 members. The Supreme Court shall appoint one appellate judge who shall not be a Justice on the Supreme Court; the Circuit Judges' Association shall appoint two judges of the circuit court; the Governor shall appoint three persons who are not lawyers, who shall be subject to Senate confirmation before serving; ~~the Lieutenant Governor shall appoint one district judge who shall be subject to Senate confirmation~~ the District Judges' Association shall appoint one judge of the district court; the Probate Judges' Association shall appoint one judge of the probate court; the Municipal Judges' Association organized under the Alabama League of Municipalities shall appoint one judge of the municipal court; and the governing body of the Alabama State Bar shall appoint two members of the state bar to serve as members of the commission. The nominating authorities shall make every effort to coordinate their appointments to assure commission membership is inclusive and reflects the racial, gender, geographic, urban, rural, and economic diversity of the state without regard to political affiliation. ~~Provided, however, that on January 1, 2005, the appointment authority granted to the Lieutenant Governor shall revert to the Governor and the Governor shall thereafter be entitled to appoint three persons who are not lawyers and one district judge, all subject to Senate confirmation.~~ The commission shall select its own chair. The terms of the members of the commission shall be four years and each member may serve no more than two consecutive terms. A vacancy on the commission shall be filled for a full term in the manner the original appointment was made.

"(b) The commission shall be convened permanently with authority to conduct investigations and receive or initiate complaints concerning any judge of a court of the judicial system of this state. The commission shall file a complaint with the Court of the Judiciary in the event that a majority of the members of the commission decide that a reasonable basis exists, (1) to charge a judge with violation of any Canon of Judicial Ethics, misconduct in office, or failure to perform his or her duties, or (2) to charge that the judge is physically or mentally unable to perform his or her duties. All proceedings of the commission shall be confidential except the filing of a complaint with the Court of the Judiciary. The commission shall prosecute the complaints.

"(c) The Supreme Court shall adopt rules governing the procedures of the commission.

"(d) The commission shall have subpoena power and authority to appoint and direct its staff. Members of the commission who are not judges shall receive per diem compensation and necessary expenses; members who are judges shall receive necessary expenses only. The Legislature shall appropriate funds for the operation of the commission.

"Amendment 328, as amended by Amendment 581.

"Section 6.18.

"(a) The Court of the Judiciary is created consisting of one judge of an appellate court, other than the Supreme Court, who shall be selected by the Supreme Court and shall serve as Chief Judge of the Court of the Judiciary; two judges of the circuit court, who shall be selected by the Circuit Judges' Association; and one ~~district judge of the district court,~~ who shall be selected by the District Judges' Association. Other members of the Court of the Judiciary shall consist of two members of the state bar, who shall be selected by the governing body of the Alabama State Bar; ~~two and three~~ two and three persons who are not lawyers, who shall be appointed by the Governor; ~~and one person appointed by the Lieutenant Governor.~~ The nominating authorities shall make every effort to coordinate their appointments to assure court membership is inclusive and reflects the racial, gender, geographic, urban, rural, and economic diversity of the state without regard to political affiliation. Members appointed by the Governor and Lieutenant Governor shall be subject to Senate confirmation before serving. ~~Provided, however, that on January 1, 2005, the appointment authority granted to the Lieutenant Governor shall revert to the Governor and the Governor shall thereafter be entitled to appoint three persons who are not lawyers, subject to Senate confirmation.~~ The court shall be convened to hear complaints filed by the Judicial Inquiry Commission. The court shall have authority, after notice and public hearing, to do either of the following:

(1) ~~to remove~~ Remove from office, suspend, with or without pay, or censure a judge, or apply such any other sanction as may be prescribed by law, for a violation of a Canon of Judicial Ethics, misconduct in office, or failure to perform his or her duties,

(2) ~~to suspend~~ Suspend, with or without pay, or to retire a judge who is physically or mentally unable to perform his or her duties.

“(b) A judge aggrieved by a decision of the Court of the Judiciary may appeal to the Supreme Court. The Supreme Court shall review the record of the proceedings on the law and the facts.

“(c) The Supreme Court shall adopt rules governing the procedures of the Court of the Judiciary.

“(d) The Court of the Judiciary ~~shall have power to~~ may issue subpoenas. The Legislature shall provide by law for the expenses of the court.

“Amendment 328.

“Section 6.19.

“(a) A judge shall be disqualified from acting as a judge, without loss of salary, ~~while there is pending in either of the following circumstances:~~

“(1) ~~an~~ An indictment or an information charging him or her in the United States with a crime punishable as a felony under a state or federal law, or is pending.

“(2) ~~a~~ A complaint against him filed by the judicial inquiry commission with the court of the judiciary, or her recommending disqualification adopted by a two-thirds vote of the Judicial Inquiry Commission is pending with the Court of the Judiciary and both of the following conditions are met:

“a. The complaint alleges the judge is physically or mentally unable to perform his or her judicial duties or poses a substantial threat of serious harm to the public or the administration of justice.

“b. The recommendation of disqualification is approved by the Chief Judge of the Court of the Judiciary.

“(b) A judge who is suspended pursuant to subdivision (2) of subsection (a) shall have the opportunity to request a review of the suspension pursuant to rules of procedure adopted by the Supreme Court to govern the Court of the Judiciary.

“Amendment 328.

“Section 6.20.

“(a) A district attorney for each judicial circuit shall be elected by the qualified electors of those counties in such circuit. ~~Such~~ The district attorney shall be licensed to practice law in this state and ~~shall~~, at the time of his or her election and during his or her continuance in office, ~~shall~~ reside in his or her circuit. ~~His~~ The term of office shall be for six years and he or she shall receive ~~such~~ compensation as provided by law. Vacancies in the office of district attorney and in his or her staff shall be filled as provided by law.

“(b) Clerks of the circuit courts shall be elected by the qualified electors in each county for a term of six years. If the office of register in chancery continues to be provided by law, then the clerk of the circuit court may also fill such office in a manner prescribed by law. Vacancies in the office of clerk of the circuit court shall be filled by the judge or judges of the circuit court who have jurisdiction over the county in which the office of clerk of the circuit court is located.

“(c) ~~Persons elected to the position of constable to assist the courts of the state as provided by law shall be subject to the same restrictions, rights and limitations as are specified in section~~

~~280 of the Constitution of 1901, and no law shall prohibit the receipt of fees for the performance of official duties of said position while holding any other elected or appointed office.~~

~~“(d) (c) The revenue from fines, forfeitures, and court costs produced in district courts from the exercise of jurisdiction under municipal ordinances shall be apportioned between the municipality and the state as shall be provided by law.~~

~~“Section 173.~~

~~“(a) The Governor, Lieutenant Governor, Attorney General, State Auditor, Secretary of State, State Treasurer, members of the State Board of Education, and Commissioner of Agriculture and Industries, and justices of the supreme court may be removed from office for willful neglect of duty, corruption in office, incompetency, or intemperance in the use of intoxicating liquors or narcotics to such an extent, in view of the dignity of the office and importance of its duties, as unfits the officer for the discharge of such duties for any offense involving moral turpitude while in office, or committed under color thereof, or connected therewith.~~

~~“(b) The House of Representatives shall present articles or charges of impeachment against those persons identified in subsection (a), specifying the cause to the Senate.~~

~~“(c) The Senate, sitting as a court of impeachment, shall take testimony under oath on articles or charges preferred by the House of Representatives.~~

~~“(d) The Lieutenant Governor shall preside over the Senate when sitting as a court of impeachment, provided, however, that if the Governor or Lieutenant Governor is impeached, the Chief Justice, or if the Chief Justice be absent or disqualified, then one of the associate justices of the supreme court, to be selected by the court, shall preside over the Senate when sitting as a court of impeachment. No person may be convicted by the Senate sitting as a court of impeachment without the concurrence of two-thirds of the members present.~~

~~“(e) If at any time when the Legislature is not in session, a majority of all the members elected to the House of Representatives shall certify in writing to the Secretary of State their desire to meet to consider the impeachment of the Governor, Lieutenant Governor, or other officer administering the office of Governor, it shall be the duty of the Secretary of State immediately to notify the Speaker of the House who, within 10 days after receipt of the notice, shall summon the members of the House to assemble at the capitol on a day to be fixed by the Speaker, but not later than 15 days after receipt of the notice by the Speaker from the Secretary of State, to consider the impeachment of the Governor, Lieutenant Governor, or other officer administering the office of Governor.~~

~~“(f) If the House of Representatives prefers articles of impeachment, the Speaker of the House shall forthwith notify the Lieutenant Governor, unless he or she is the officer impeached, in which event the President Pro Tempore of the Senate shall be notified, who shall summon the members of the Senate to assemble at the capitol on a specified day not later than 10 days after receipt of the notice from the Speaker of the House, for the purpose of hearing and trying the articles of impeachment against the Governor, Lieutenant Governor, or other officer administering the office of Governor, as may be preferred by the House of Representatives.~~

~~“Section 174.~~

~~“The judges of the district and circuit courts, judges of the probate courts, and judges of other courts from which an appeal may be taken directly to the supreme court, district District attorneys, and sheriffs, may be removed from office for any of the causes specified in Section 173 or elsewhere in this constitution, by the supreme court, or under such regulations as may be prescribed by rule of the Supreme Court of Alabama or law. The Legislature may provide for the impeachment or removal of other officers than those named in this article.”~~

AMENDMENT PROPOSED BY ACT NO. 2019-346

Section 6.14 of Amendment 328 of the Constitution of Alabama of 1901, is amended to read as follows:

“6.14. Vacancies in judicial office.

"The office of a judge shall be vacant if he dies, resigns, retires, or is removed. Vacancies in any judicial office shall be filled by appointment by the governor; however, except for the provisions for the initial term of a judge appointed to fill a vacancy as provided herein, vacancies occurring in any judicial office in Jefferson county shall be filled as now provided by amendments 83 and 110 to the Constitution of Alabama of 1901 and vacancies occurring in Shelby, Madison, Wilcox, Monroe, Conecuh, Clarke, Washington, Henry, Etowah, Walker, Tallapoosa, Pickens, Greene, Tuscaloosa, St. Clair county shall be filled as provided in the Constitution of 1901 with amendments now or hereafter adopted, or as may be otherwise established by a properly advertised and enacted local law. A Notwithstanding any other provision of any amendment to this Constitution, a judge, other than a probate judge, appointed to fill a vacancy, shall serve an initial term lasting until the first Monday after the second Tuesday in January following the next general election held after he has completed ~~one year~~ two years in office ~~or the remainder of the original term of the judge elected to the office which is vacant, whichever is longer~~. At such the election ~~such~~ the judicial office shall be filled for a full term of office beginning at the end of the appointed term."

AMENDMENT PROPOSED BY ACT NO. 2019-271

The Legislature, upon the recommendation of the Director of the Legislative Services Agency through a proposed draft, may arrange this constitution, as amended, in proper articles, parts, and sections removing all racist language, delete duplicative and repealed provisions, consolidate provisions regarding economic development, arrange all local amendments by county of application during the 2022 Regular Session of the Legislature, and make no other changes. The draft and arrangement, when approved by a three-fifths vote of each house of the Legislature, through joint resolution, shall be submitted to the voters pursuant to Amendment 714 of the Constitution of Alabama of 1901, now appearing as Section 286.01 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, except that the text of the proposed constitution shall be published on the website of the Secretary of State and shall be made available, without cost, to any agency of the state or a municipality or county in the state that operates a public access website for publication on the website. The Constitution of Alabama, with the amendments made thereto, in accordance with this amendment, once approved by the voters, shall be the supreme law of the state.

AMENDMENT PROPOSED BY ACT NO. 2019-194

- (a) This amendment shall apply only in Franklin County.
- (b) The following definitions are applicable to this amendment:
 - (1) CHURCH. A bona fide duly constituted religious society or ecclesiastical body of any sect, order, or denomination, or any congregation thereof.
 - (2) DEADLY PHYSICAL FORCE. Force which, under the circumstances in which it is used, is readily capable of causing death or serious physical injury.
 - (3) FORCE. Physical action or threat against another, including confinement.
 - (4) PREMISES. The term includes any building, as defined in this section, and any real property.
- (c) A person may use deadly physical force, and is legally presumed to be justified in using deadly physical force in self-defense or the defense of another person, if the person reasonably believes that another person is using or about to use physical force against an employee, volunteer, member of a church, or any other person authorized to be on the premises of the church when the church is open or closed to the public while committing or attempting to commit a crime involving death, serious physical injury, robbery in the first degree, or kidnapping in the first degree.
- (d) A person who is justified under subsection (c) in using deadly physical force, who is not engaged in an unlawful activity, and is in any place where he or she has the right to be, has no duty to retreat and has the right to stand his or her ground.

(e) A person who uses force, including deadly physical force, as justified and permitted in this amendment is immune from criminal prosecution and civil action for the use of such force, unless the force was determined to be unlawful or in violation of Section 13A-3-21, Code of Alabama 1975.

(f)(1) Prior to the commencement of a trial in a case in which a defense is claimed under this amendment, the court having jurisdiction over the case, upon motion of the defendant, shall conduct a pretrial hearing to determine whether deadly force, used by the defendant was justified or whether it was unlawful under this amendment. During any pretrial hearing to determine immunity, the defendant must show by a preponderance of the evidence that he or she is immune from criminal prosecution.

(2) If, after a pretrial hearing under subdivision (1), the court concludes that the defendant has proved by a preponderance of the evidence that force, including deadly force, was justified, the court shall enter an order finding the defendant immune from criminal prosecution and dismissing the criminal charges.

(3) If the defendant does not meet his or her burden of proving immunity at the pretrial hearing, he or she may continue to pursue the defense of self-defense or defense of another person at trial. Once the issue of self-defense or defense of another person has been raised by the defendant, the state continues to bear the burden of proving beyond a reasonable doubt all of the elements of the charged conduct.

(f) A law enforcement agency may use standard procedures for investigating the use of force described in subsection (b), but the agency may not arrest the person for using force unless it determines that there is probable cause that the force used was unlawful.

AMENDMENT PROPOSED BY ACT NO. 2019-193

(a) This amendment shall apply only in Lauderdale County.

(b) The following definitions are applicable to this amendment:

(1) CHURCH. A bona fide duly constituted religious society or ecclesiastical body of any sect, order, or denomination, or any congregation thereof.

(2) DEADLY PHYSICAL FORCE. Force which, under the circumstances in which it is used, is readily capable of causing death or serious physical injury.

(3) FORCE. Physical action or threat against another, including confinement.

(4) PREMISES. The term includes any building, as defined in this section, and any real property.

(c) A person may use deadly physical force, and is legally presumed to be justified in using deadly physical force in self-defense or the defense of another person, if the person reasonably believes that another person is using or about to use physical force against an employee, volunteer, member of a church, or any other person authorized to be on the premises of the church when the church is open or closed to the public while committing or attempting to commit a crime involving death, serious physical injury, robbery in the first degree, or kidnapping in the first degree.

(d) A person who is justified under subsection (c) in using deadly physical force, who is not engaged in an unlawful activity, and is in any place where he or she has the right to be, has no duty to retreat and has the right to stand his or her ground.

(e) A person who uses force, including deadly physical force, as justified and permitted in this amendment is immune from criminal prosecution and civil action for the use of such force, unless the force was determined to be unlawful or in violation of Section 13A-3-21, Code of Alabama 1975.

(f)(1) Prior to the commencement of a trial in a case in which a defense is claimed under this amendment, the court having jurisdiction over the case, upon motion of the defendant, shall

conduct a pretrial hearing to determine whether deadly force, used by the defendant was justified or whether it was unlawful under this amendment. During any pretrial hearing to determine immunity, the defendant must show by a preponderance of the evidence that he or she is immune from criminal prosecution.

(2) If, after a pretrial hearing under subdivision (1), the court concludes that the defendant has proved by a preponderance of the evidence that force, including deadly force, was justified, the court shall enter an order finding the defendant immune from criminal prosecution and dismissing the criminal charges.

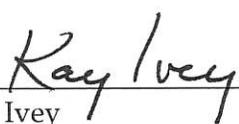
(3) If the defendant does not meet his or her burden of proving immunity at the pretrial hearing, he or she may continue to pursue the defense of self-defense or defense of another person at trial. Once the issue of self-defense or defense of another person has been raised by the defendant, the state continues to bear the burden of proving beyond a reasonable doubt all of the elements of the charged conduct.

(f) A law enforcement agency may use standard procedures for investigating the use of force described in subsection (b), but the agency may not arrest the person for using force unless it determines that there is probable cause that the force used was unlawful.

FURTHER, I proclaim and direct that this proclamation shall be published once a week for the four successive weeks immediately preceding Tuesday, November 3, 2020, in every county as required by law.

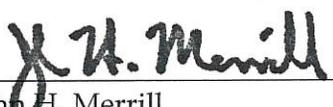


IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Alabama to be affixed by the Secretary of State at the State Capitol in the City of Montgomery on this 23rd day of September, 2020.



Kay Ivey
Governor

ATTESTED



John H. Merrill
Secretary of State