

**Georgia General Assembly
Senate Judiciary Committee
March 9, 2020
4:00pm**

**Testimony of Sean J. Young
Legal Director
ACLU of Georgia**

My name is Sean Young and I am the Legal Director of the ACLU of Georgia. The ACLU of Georgia urges that lines 118-119 be deleted from in SB 414, because drug distribution crimes do not, as a legal matter, involve “moral turpitude.”¹

As a preliminary matter, the ACLU of Georgia is opposed to stripping US citizens of their right to vote because of a criminal conviction. Felon disenfranchisement was only put into the Georgia Constitution soon after the Fifteenth Amendment gave African Americans the right to vote. That discriminatory stain on the Georgia Constitution has never been washed out.

Given that we must live by this provision for now, the ACLU of Georgia supports narrowing the list of felonies deemed to involve moral turpitude. That is because the State, in violation of the Georgia Constitution, currently disenfranchises any US citizen serving a sentence for any felony, regardless of

¹ The Georgia Constitution provides, “(a) No person who has been convicted of a felony involving moral turpitude may register, remain registered, or vote except upon completion of the sentence.” Ga. Const. Art. 2, Section 1, Para. III.

whether the felony involves moral turpitude. The State's interpretation ignores the plain text the Georgia Constitution, which targets "felonies involving moral turpitude," not "all felonies."

I next address what is meant by "moral turpitude." "Moral turpitude" is a legal term, and it is generally reserved for: 1) crimes that are objectively immoral whether or not the legislature prohibits it; 2) crimes that inherently cause serious harm to third parties; and 3) crimes that are truly "depraved," as in the worst of the worst.

For example, courts have long held that the unauthorized sale of alcohol to third parties does not involve moral turpitude, even though alcohol can be quite dangerous. But the unauthorized sale of alcohol is not objectively immoral, doesn't inherently cause harm to third parties, and is not the worst of the worst.

Similarly, the unauthorized transference of drugs, such as marijuana, cannot involve moral turpitude. Society's understanding of various drugs is constantly evolving, and the legal term "moral turpitude" does not expand or contract based on which crimes the legislature deems to be politically unpopular.

The ACLU of Georgia also believes that several other crimes on the list do not satisfy the definition of "moral turpitude." At a minimum, lines 118-119 should be deleted. I'm happy to answer any questions.