

1 HB540  
2 115686-2  
3 By Representative Black  
4 RFD: Judiciary  
5 First Read: 11-FEB-10

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8 SYNOPSIS: Under existing law, the initial voluntary  
9 sentencing standards were adopted by the Alabama  
10 Sentencing Commission and approved by the  
11 Legislature and became effective on October 1,  
12 2006.

13 This bill would approve the initial  
14 voluntary sentencing standards and the accompanying  
15 instructions and worksheets as modified and adopted  
16 by the Sentencing Commission on November 6, 2009,  
17 and as filed with the Clerk of the Alabama Supreme  
18 Court, Secretary of the Alabama Senate, and Clerk  
19 of the Alabama House of Representatives.

20 This bill would also require that the  
21 worksheets used to determine sentencing  
22 recommendations in each case be made a part of the  
23 record for each case in which the use of the  
24 standards has been considered.

25  
26 A BILL  
27 TO BE ENTITLED

1 AN ACT

2  
3 Relating to criminal sentencing; to add Section  
4 12-25-34.2 to the Code of Alabama 1975, to approve  
5 modifications to the initial voluntary sentencing standards,  
6 worksheets, and instructions adopted by the Alabama Sentencing  
7 Commission; and to require that sentencing standards  
8 worksheets used to determine sentencing recommendations in  
9 each case be made a part of the record for each case in which  
10 the use of the standards has been considered.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12 Section 1. (a) The Legislature finds the Alabama  
13 Sentencing Commission has followed the directives of the  
14 Legislature in the Sentence Reform Act of 2003, Act 2003-354,  
15 2003 Regular Session, now appearing as Article 2 (commencing  
16 with Section 12-25-30), Chapter 25, Title 12, Code of Alabama  
17 1975, to develop and recommend to the Legislature a  
18 discretionary sentencing structure designed to protect public  
19 safety and provide a fair, effective, and efficient criminal  
20 sentencing system for this state by doing all of the  
21 following:

22 (1) Reviewing the initial voluntary sentencing  
23 standards, worksheets, and instructions adopted by the Alabama  
24 Sentencing Commission, approved by the Legislature, and  
25 implemented effective October 1, 2006, providing a system of  
26 statewide voluntary sentencing standards and worksheets for  
27 use in felony cases for 26 felony offenses.

1           (2) Taking into account historical sentencing data  
2 concerning the use of the initial voluntary sentencing  
3 standards.

4           (3) Considering and adopting modifications to the  
5 initial voluntary sentencing standards to include the  
6 additional offenses of attempts, conspiracies, and  
7 solicitations to commit murder and attempts, conspiracies, and  
8 solicitations to commit the felony drug offenses of possession  
9 of marijuana; unlawful possession of a controlled substance;  
10 sale or distribution of marijuana (other than to a minor); and  
11 sale or distribution of schedule I-V controlled substances  
12 (other than to a minor), which are covered offenses under the  
13 standards.

14           (4) Adopting the initial voluntary sentencing  
15 standards worksheets as modified to include the offenses  
16 enumerated in subdivision (3).

17           (5) Adopting the worksheet instructions as modified  
18 to further clarify the use of the worksheets and the sentence  
19 length tables that comprise the initial voluntary sentencing  
20 standards.

21           (b) The Legislature further recognizes that the  
22 development of voluntary sentencing standards by the Alabama  
23 Sentencing Commission is and should be a continuous process,  
24 and the Alabama Sentencing Commission has been directed to  
25 continue the development of the voluntary sentencing standards  
26 recommendations by collecting and analyzing sentencing data  
27 and incorporating a continuum of punishment options, as

1 required by subdivision (1) of Section 4 of Act 2003-354, now  
2 appearing as subdivision (1) of Section 12-25-33, Code of  
3 Alabama 1975, and by identifying, testing, and recommending  
4 modifications of the initial voluntary sentencing standards  
5 and worksheets as may be necessary to accomplish the purposes  
6 and goals set out in Act 2003-354 and Rule 26 of the Alabama  
7 Rules of Criminal Procedure.

8 Section 2. Section 12-25-34.2 is added to the Code  
9 of Alabama 1975, to read as follows:

10 §12-25-34.2.

11 The initial voluntary sentencing standards and the  
12 accompanying worksheets and instructions, as modified and  
13 adopted by the Sentencing Commission on November 6, 2009, and  
14 filed with the Clerk of the Alabama Supreme Court, the  
15 Secretary of the Alabama Senate, and the Clerk of the Alabama  
16 House of Representatives are approved for implementation and  
17 shall become effective for worksheet offenses sentenced on or  
18 after October 1, 2010, under the terms and conditions set out  
19 in Sections 12-25-34 and 12-25-35.

20 Section 3. On and after October 1, 2010, the initial  
21 voluntary sentencing standards worksheets used to determine  
22 applicable sentencing recommendations in each case in which  
23 the use of the standards has been considered shall be filed  
24 with the clerk of the trial court and made a part of the  
25 record for the case.

26 Section 4. All laws or parts of laws which conflict  
27 with this act are repealed.

1                   Section 5. This act shall become effective  
2 immediately following its passage and approval by the  
3 Governor, or its otherwise becoming law.