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3 SENATE JUDICIARY COMMITTEE AMENDMENT TO HB24  
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7  
8 On page 2, delete lines 1 through 3 and insert in  
9 lieu thereof the following:

10 Relating to sentencing; to add Section 12-25-34.3 to  
11 the Code of Alabama 1975, to provide for resentencing of  
12 certain individuals convicted of nonviolent offenses; and to  
13 provide for the resentencing of certain individuals sentenced  
14 under the habitual felony offender law.  
15

16 On page 3, line 20, after "sentence" insert the  
17 following:

18 , pursuant to this section,  
19

20 On page 3, lines 22 and 23, delete "serving his or  
21 her sentence in a" and insert in lieu thereof the following:  
22 in the custody of the  
23

24 On page 3, line 23, delete "facility"  
25

26 On page 3, after line 26, insert the following new  
27 Section 2 and renumber the remaining section accordingly:

1           Section 2. (a) An individual who was sentenced as a  
2 habitual felony offender, pursuant to Section 13A-5-9, Code of  
3 Alabama 1975, prior to the effective date of this act and who  
4 has one or more prior convictions that have been reclassified  
5 as a Class D felony by Act 2015-185, may be resentenced under  
6 the sentencing provisions in effect on the effective date of  
7 this act.

8           (b) On or after the effective date of this act, an  
9 individual or the Department of Corrections may file a motion  
10 for resentencing if the individual meets both of the following  
11 requirements:

12           (1) Had one or more prior convictions used to  
13 enhance the individual's sentence that has been reclassified  
14 as a Class D felony, pursuant to Act 2015-185.

15           (2) Is currently serving his or her sentence in a  
16 Department of Corrections facility.

17           (c) The venue for a motion filed pursuant to  
18 subsection (b) shall be the criminal division of the circuit  
19 court in the county in which the individual was convicted. The  
20 petition shall be heard by the original sentencing judge, the  
21 presiding judge of the circuit, or a retired judge as assigned  
22 by the Chief Justice of the Supreme Court.

23           (d) The motion shall be served upon the district  
24 attorney in the county of conviction. The district attorney  
25 shall have a right to be heard on any motion filed pursuant to  
26 this section.

1                   (e) (1) A court may not hear a motion made pursuant  
2 to this section if a previous motion for a reduction of  
3 sentence, pursuant to this section, was denied.

4                   (2) A court may not hear a motion made pursuant to  
5 this section if the individual is not currently in the custody  
6 of the Department of Corrections.

7                   (f) Nothing in this section shall be construed to  
8 require a court to reduce any sentence pursuant to this  
9 section.