

HB63 INTRODUCED



1 HB63
2 7C1W2E2-1
3 By Representative Hill
4 RFD: Judiciary
5 First Read: 06-Feb-24
6 PFD: 30-Jan-24



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SYNOPSIS:

Under existing law, a judge may split the sentence of an offender who has received a sentence of 20 years or less.

This bill would allow for a judge to split the sentence of an offender who receives a sentence of 30 years or less.

A BILL
TO BE ENTITLED
AN ACT

Relating to criminal procedure; to amend Section 15-18-8, as last amended by Act 2023-461, 2023 Regular Session, Code of Alabama 1975, to further provide for the sentencing of offenders.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 15-18-8, as last amended by Act 2023-461, 2023 Regular Session, Code of Alabama 1975, is amended to read as follows:

"§15-18-8

(a) When a defendant is convicted of an offense, other than a sex offense involving a child as defined in Section 15-20A-4, that ~~constitutes~~is a Class A or Class B felony



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29 offense, and receives a sentence of ~~20~~30 years or less, the
30 judge presiding over the case may order:

31 (1) In cases where the defendant is convicted of a
32 Class A, Class B, Class C, or Class D felony and the imposed
33 sentence is not more than 15 years, that the convicted
34 defendant be confined in a prison, jail-type institution, or
35 treatment institution for a period not exceeding three years,
36 that the execution of the remainder of the sentence be
37 suspended notwithstanding any provision of the law to the
38 contrary, and that the defendant be placed on probation for a
39 period as determined by the court.

40 (2) In cases where the defendant is convicted of a
41 Class A, Class B, or Class C felony and the imposed sentence
42 is greater than 15 years but not more than 20 years, that the
43 convicted defendant be confined in a prison, jail-type
44 institution, or treatment institution for a period of three to
45 five years, that the execution of the remainder of the
46 sentence be suspended notwithstanding any provision of the law
47 to the contrary, and that the defendant be placed on probation
48 for a period as determined by the court.

49 (3) In cases where the defendant is convicted of a
50 Class A, Class B, or Class C felony and the imposed sentence
51 is greater than 20 years but not more than 30 years, that the
52 convicted defendant be confined in a prison, jail-type
53 institution, or treatment institution for a period not
54 exceeding 20 years, that the execution of the remainder of the
55 sentence be suspended notwithstanding any provision of the law
56 to the contrary, and that the defendant be placed on probation



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57 for a period as determined by the court.

58 (b) Probation may not be granted for a sex offense
59 involving a child as defined in Section 15-20A-4 that
60 ~~constitutes~~is a Class A or Class B felony. Otherwise,
61 probation may be granted whether the offense is punishable by
62 fine or imprisonment or both. If an offense is punishable by
63 both fine and imprisonment, the court may impose a fine and
64 place the defendant on probation as to imprisonment. Probation
65 may be limited to one or more counts or indictments, but, in
66 the absence of express limitation, shall extend to the entire
67 sentence and judgment.

68 (c) Regardless of whether the defendant has begun
69 serving the minimum period of confinement ordered under
70 subsection (a) or (h), the court shall retain jurisdiction and
71 authority to suspend that portion of the minimum sentence that
72 remains and place the defendant on probation, notwithstanding
73 any provision of the law to the contrary, and the court may
74 revoke or modify any condition of probation or may change the
75 period of probation.

76 (d) While incarcerated or on probation and among the
77 conditions thereof, the defendant may be required to do any of
78 the following:

79 (1) ~~To pay~~Pay a fine in one or several sums.

80 (2) ~~To make~~Make restitution or reparation to aggrieved
81 parties for actual damages or loss caused by the offense for
82 which conviction was had.

83 (3) ~~To provide~~Provide for the support of any persons
84 for whose support he or she is legally responsible.



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85 (e) Except as otherwise provided pursuant to Section
86 15-18-64, the defendant's liability for any fine or other
87 punishment imposed as to which probation is granted shall be
88 fully discharged by the fulfillment of the terms and
89 conditions of probation.

90 (f) During any term of probation, the defendant shall
91 report to the probation authorities at a time and place as
92 directed by the judge imposing the sentence.

93 (g) No defendant serving a minimum period of
94 confinement ordered under subsection (a) or (h) shall be
95 entitled to parole or to deductions from his or her sentence
96 under the Alabama Correctional Incentive Time Act, during the
97 minimum period of confinement so ordered; provided, however,
98 that this subsection shall not be construed to prohibit
99 application of the Alabama Correctional Incentive Time Act to
100 any period of confinement which may be required after the
101 defendant has served the minimum period.

102 (h) When a defendant is convicted of a misdemeanor or
103 convicted of a municipal ordinance, the judge presiding over
104 the case may impose a sentence in accordance with Section
105 13A-5-7. The court may order a portion of the sentence to be
106 suspended and the defendant be placed on probation for a
107 period not exceeding two years.

108 (i) Nothing in this section shall be construed to
109 impose the responsibility for offenders sentenced to a
110 Department of Corrections facility upon a local confinement
111 facility not operated by the Department of Corrections."

112 Section 2. This act shall become effective on October



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113 1, 2024.