



House Judiciary Reported Substitute for SB156

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A BILL
TO BE ENTITLED
AN ACT

Relating to sentencing; to add Section 13A-5-9.2 to the Code of Alabama 1975, to provide that an individual sentenced pursuant to the habitual felony offender act may be resentenced in certain circumstances; to amend Section 15-22-36.2, Code of Alabama 1975, to make conforming changes to the statewide automated victim notification system; and to further provide for the duties of the Code Commissioner with respect to collective references to the Alabama Board of Pardons and Paroles.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 13A-5-9.2 is added to the Code of Alabama 1975, to read as follows:

§13A-5-9.2

(a) On or after October 1, 2025, an individual serving a sentence in the custody of the Department of Corrections may file a motion for a reduction in that sentence if the individual satisfies all of the following:

(1) The individual is serving a sentence pursuant to Section 13A-5-9, for any offense other than: (i) homicide, as defined in Article 1 of Chapter 6 of this title; (ii) a sex

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offense, as defined in Section 15-20A-5; (iii) attempted murder, pursuant to Section 13A-4-2; or (iv) an offense that caused serious physical injury or physical injury to another individual, as those terms are defined in Section 13A-1-2.

(2) The individual is serving a sentence of life without the possibility of parole.

(3) The individual received a final sentence at the trial court prior to May 26, 2000.

(4) The individual has no prior convictions for any offense included in subdivision (1).

(b) The individual shall file any motion for a reduction in sentence in the criminal division of the circuit court in the county in which the individual was convicted. The motion shall be heard by the original sentencing judge or his or her successor, the presiding judge of the circuit, or a retired judge as assigned by the Chief Justice of the Alabama Supreme Court. The court shall serve a copy of the motion for a reduction in sentence on the Office of the Attorney General. Upon service, the Office of the Attorney General shall timely review the motion and relevant indictment and, within 30 days of service, report to the court whether the inmate is eligible for resentencing under subsection (a). If the court determines the inmate is eligible for resentencing under subsection (a), the court shall hold a hearing on the motion. The court shall dismiss the motion if the court or the Attorney General determines the inmate to be ineligible.

(c) (1) The court shall serve a copy of the motion for a reduction in sentence on the district attorney in the county

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of the conviction.

(2) The district attorney shall have an opportunity to be heard on any motion filed pursuant to this section.

(3) The Attorney General shall have an opportunity to be heard on any motion filed pursuant to this section.

(d) Any victim named in the indictment shall have an opportunity to be heard on any motion filed pursuant to this section. A victim and any other interested party registered for notice for the inmate in the statewide automated victim notification system may also file a statement with the court and may do so in lieu of testifying at a hearing.

(e) (1) The court shall notify the Victim Notification Unit of the Bureau of Pardons and Paroles when a motion is filed pursuant to this section and again when the hearing has been set. Upon receipt of these notices, the bureau shall exercise due diligence in attempting to locate and notify each victim named in the indictment. The bureau, when practicable, shall also provide notifications to any victims named in the indictment and to any other interested party registered for notice for the inmate through the statewide automated victim notification system established pursuant to Section 15-22-36.2. Each notification shall include the pendency of the motion; the location, date, and time of the hearing; information explaining the circumstances in which the defendant may be resentenced; notice that the victim has a right to be heard at the hearing through in-person testimony, through a written victim impact statement, or both; the name of the judge presiding over the hearing; information about the

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85 offender, including his or her name, crimes for which he or
86 she was convicted, and the sentence he or she received; how,
87 where, and when to submit written statements to the court; and
88 contact information for the appropriate district attorney. The
89 court may not grant a motion for resentencing pursuant to this
90 section or hold a hearing on such a motion until 30 days have
91 passed following certification by the bureau that it has
92 completed the victim notification requirements of this
93 subdivision as to the pendency of the motion or the holding of
94 the hearing, as the case may be.

95 (2) The court shall notify the investigating law
96 enforcement agency at least 30 days prior to any hearing on a
97 motion filed pursuant to this section. The notification shall
98 include all of the information required under subdivision (1).

99 (3) Immediately following an order entered by the
100 court, the court shall notify the Victim Notification Unit of
101 the Bureau of Pardons and Paroles of the order.

102 (f) Within 10 days of any court order issued pursuant
103 to this section, the bureau shall exercise due diligence to
104 notify any victim named in the indictment and any other
105 interested party registered for notice for the inmate in the
106 statewide automated victim notification system established
107 pursuant to Section 15-22-36.2.

108 (g) A court may impose a reduced sentence pursuant to
109 the laws in effect at the time of the motion or may impose a
110 sentence of time served.

111 (h) When considering a motion made pursuant to this
112 section, the court shall consider all of the following:

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(1) The underlying offense.

(2) The individual's conduct while in the custody of the Department of Corrections.

(3) The age of the individual at the time the motion is filed, including relevant research regarding criminal behavior as it relates to an individual's age.

(4) The individual's likelihood of success after release based on the availability of a structured and supportive re-entry program.

(5) Whether the individual used a firearm in furtherance of the offense.

(6) Any objection or support for resentencing by a victim named in the indictment.

(i) A court shall give considerable weight to: (i) any objection or support for resentencing by a victim named in the indictment, the district attorney, and any other interested party registered for notice for the inmate in the statewide automated victim notification system established pursuant to Section 15-22-36.2; and (ii) whether the inmate used a firearm in furtherance of the offense.

(j) A court may not entertain a motion made pursuant to this section if a previous motion made pursuant to this section was denied.

(k) Nothing in this section may be construed to require a court to reduce any sentence.

(l) If the inmate who filed the motion is determined to be eligible for resentencing pursuant to subsection (a), a hearing on the motion shall occur; provided, the court may not

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hold a hearing on such a motion until 30 days have passed following certification by the bureau that it has completed the victim notification requirements set forth in subdivision (e) (1).

(m) For the purposes of this section, all references to a sentence, indictment, court, county, district attorney, victim, or investigating law enforcement agency refer to the sentence being served by the inmate who filed the motion under subsection (a) and the indictment, court, county, district attorney, victim, and investigating law enforcement agency related to that sentence and the crime that led to the conviction.

(n) (1) On an annual basis, the Office of the Attorney General shall submit to the Executive Director of the Alabama Sentencing Commission the number of motions it reviewed under subsection (b) and the number of inmates it determined to be eligible for resentencing under subsection (a).

(2) On an annual basis, each circuit court that hears a motion for resentencing by an inmate deemed eligible for resentencing shall submit to the Executive Director of the Alabama Sentencing Commission all of the following information related to the motion:

a. The crimes and convictions for the inmate.

b. The county of conviction.

c. The year of conviction.

d. The year of birth of the inmate.

e. The outcome of the hearing.

(3) On an annual basis, the Executive Director of the

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Alabama Sentencing Commission shall compile the information received pursuant to this subsection and include the information in its annual report pursuant to Section 12-25-33.

(o) This section is repealed on October 1, 2030.

Section 2.

Section 15-22-36.2, Code of Alabama 1975, is amended to read as follows:

"§15-22-36.2

(a) There is hereby created the Victim Notification Implementation Task Force to guide and support the implementation of a statewide automated victim notification system in Alabama. The task force shall be composed of four crime victims' rights advocates designated by the Attorney General and one designee from each of the following: The Board of Pardons and Paroles, the Department of Corrections, the Alabama [State](#) Law Enforcement Agency, the Alabama Crime Victims Compensation Commission, the District Attorneys Association or a district attorney representative, the Attorney General, the Administrative Office of Courts, the Alabama Circuit Judges' Association, the Office of Prosecution Services, the Alabama Circuit Clerk's Association, and any other entity or organization as deemed appropriate by a majority vote of the current representatives composing the task force. The task force shall elect a chair to function as the administrative head. The task force shall meet initially by March 1, 2012, at the call of the Attorney General. The task force shall meet not less than quarterly after January 1, 2012, and otherwise at the call of the chair or a majority

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197 vote of the current task force representatives. Pursuant to
198 this section and [Section 13A-5-9.2](#), Section 14-14-5, Section
199 15-22-23, Section 15-22-36, Section 15-22-36.3, and Section
200 15-22-26.2, the task force shall be responsible for overseeing
201 the development of the automated victim notification system by
202 the Alabama State Law Enforcement Agency and integration of a
203 process to automatically update victim information into the
204 automated victim notification system on a continual basis. The
205 task force shall also oversee a statewide public education and
206 awareness campaign for the implementation of the automated
207 victim notification system and shall be charged with
208 confirming, by majority vote, that the automated victim
209 notification system complies with the requirements of this
210 section and [Section 13A-5-9.2](#), Section 14-14-5, Section
211 15-22-23, Section 15-22-36, Section 15-22-36.3, and Section
212 15-22-26.2. Approval from the task force shall not be required
213 for the validity of any action taken by any entity represented
214 on the task force in the exercise of any of the power or
215 authority granted to it by the Legislature.

216 (b) Immediately upon approval from the task force by
217 majority vote that the automated notification system complies
218 with the requirements of this section and [Section 13A-5-9.2](#),
219 Section 14-14-5, Section 15-22-23, Section 15-22-36, Section
220 15-22-36.3, and Section 15-22-26.2, the task force shall
221 automatically convert to the Victim Notification Oversight
222 Council for the purpose of continuing to provide direction to
223 the Alabama State Law Enforcement Agency on development,
224 support, expansion, and maintenance of the automated

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notification system. The council shall consist of those task force representatives serving on the task force, including appointees, at the time of conversion. Upon conversion, representatives from partner agencies may be added by majority vote of the council. The appointees designated by the Attorney General shall serve four year terms to ensure that a variety of victim advocates are included in the oversight of the system. The Attorney General shall designate a replacement as required at the expiration of the term of a victim advocate. No victim advocate may be appointed for more than two consecutive terms.

(c) The Board of Pardons and Paroles shall have authority to carry out the enforcement of Sections [13A-5-9.2](#), [15-22-23](#), and 15-22-36, and the Department of Corrections shall have authority to carry out the enforcement of Section 14-14-5, Section 15-22-36.3, and Section 15-22-26.2.

(d) The Alabama State Law Enforcement Agency shall be required to develop, support, house, and maintain the automated notification system referenced in this section and Section 13A-5-9.2, Section 14-14-5, Section 15-22-23, Section 15-22-36, Section 15-22-36.3, and Section 15-22-26.2 for the use of the Board of Pardons and Paroles and the Department of Corrections to make automated notices as required. The system shall additionally be used to make notices of an offender's change in status or custody, or notices regarding criminal justice proceedings deemed to be in the best interest of Alabama crime victims and public safety, by a majority vote of the task force or, after its conversion, the Victim

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Notification Oversight Council. The automatic notification system created by the Alabama State Law Enforcement Agency shall be the automated notification system used by the state in making notifications to the Alabama crime victims.

(e) There is hereby created a Victim Notification System Fund in the State Treasury. The fund shall consist of all monies appropriated for the development, expansion, support, and maintenance of the automated victim notification system by the Alabama State Law Enforcement Agency. Any monies in the fund may be expended solely for the use of the victim notification system. The Secretary of the Alabama State Law Enforcement Agency may expend monies in the Victim Notification System Fund solely at the request and direction of the Victim Notification Implementation Task Force or, after its conversion, the Victim Notification Oversight Council, created by this section."

Section 3. (a) The Legislature recognizes that the Alabama Board of Pardons and Paroles is composed of a three-person board, each member of which is appointed by the Governor, serves a six-year term of office, and meets periodically throughout the year; and an executive staff consisting of an executive director and other administrative staff which together perform the day-to-day duties of the agency. The Legislature also recognizes that the Alabama Board of Pardons and Paroles has reorganized itself to distinguish the duties of the three-person board and the executive staff performing the day-to-day duties of the agency.

(b) The Code Commissioner is directed to examine all

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281 collective references to the Alabama Board of Pardons and
282 Paroles and, where appropriate, distinguish between the
283 three-member board and the executive staff functions of the
284 agency. References to the duties and functions of the
285 three-member board shall be referred to as the "Alabama Board
286 of Pardons and Paroles" or "board," and refereces to the
287 executive staff and its duties and functions shall be referred
288 to as the "Bureau of Pardons and Paroles" or "bureau."

289 Section 4. This act shall become effective on October
290 1, 2025.