

HB43 ENGROSSED



1 HB43
2 N2HX88T-2
3 By Representative Hill
4 RFD: Judiciary
5 First Read: 04-Feb-25
6 PFD: 11-Sep-24



HB43 Engrossed

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

A BILL
TO BE ENTITLED
AN ACT

Relating to criminal procedure; to amend Section 15-18-8, Code of Alabama 1975, to further provide for the split-sentencing of offenders.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 15-18-8, 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 offense, and receives a sentence of ~~20~~30 years or less, the judge presiding over the case may order:

(1) In cases where the defendant is convicted of a Class A, Class B, Class C, or Class D felony and the imposed sentence is not more than 15 years, that the convicted defendant be confined in a prison, jail-type institution, or treatment institution for a period not exceeding three years, that the execution of the remainder of the sentence be suspended notwithstanding any provision of the law to the contrary, and that the defendant be placed on probation for a



HB43 Engrossed

29 period as determined by the court.

30 (2) In cases where the defendant is convicted of a
31 Class A, Class B, or Class C felony and the imposed sentence
32 is greater than 15 years but not more than 20 years, that the
33 convicted defendant be confined in a prison, jail-type
34 institution, or treatment institution for a period of three to
35 five years, that the execution of the remainder of the
36 sentence be suspended notwithstanding any provision of the law
37 to the contrary, and that the defendant be placed on probation
38 for a period as determined by the court.

39 (3) In cases where the defendant is convicted of a
40 Class A, Class B, or Class C felony and the imposed sentence
41 is greater than 20 years but not more than 30 years, that the
42 convicted defendant be confined in a prison, jail-type
43 institution, or treatment institution for a minimum period of
44 10 years, that the execution of the remainder of the sentence
45 be suspended notwithstanding any provision of the law to the
46 contrary, and that the defendant be placed on probation for a
47 period as determined by the court. The minimum period of
48 confinement provided by this subdivision may not be served in
49 a county jail. Notwithstanding subsection (c), the court shall
50 not suspend or alter the minimum period of confinement
51 ordered.

52 (b) Probation may not be granted for a sex offense
53 involving a child as defined in Section 15-20A-4 that
54 ~~constitutes~~ is a Class A or Class B felony. Otherwise,
55 probation may be granted whether the offense is punishable by
56 fine or imprisonment or both. If an offense is punishable by



HB43 Engrossed

57 both fine and imprisonment, the court may impose a fine and
58 place the defendant on probation as to imprisonment. Probation
59 may be limited to one or more counts or indictments, but, in
60 the absence of express limitation, shall extend to the entire
61 sentence and judgment.

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

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

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

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

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

79 (4) Complete an accountability court, including, but
80 not limited to, drug court, veterans court, mental health
81 court, and theft court.

82 (e) Except as otherwise provided pursuant to Section
83 15-18-64, the defendant's liability for any fine or other
84 punishment imposed as to which probation is granted shall be



HB43 Engrossed

85 fully discharged by the fulfillment of the terms and
86 conditions of probation.

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

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

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

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

109 Section 2. This act shall become effective on October
110 1, 2025.



HB43 Engrossed

111
112
113

House of Representatives

114 Read for the first time and referred04-Feb-25
115 to the House of Representatives
116 committee on Judiciary
117
118 Read for the second time and placed05-Feb-25
119 on the calendar:
120 1 amendment
121
122 Read for the third time and passed11-Feb-25
123 as amended
124 Yeas 55
125 Nays 44
126 Abstains 0

127
128
129
130
131

John Treadwell
Clerk