

HB43 ENROLLED



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



HB43 Enrolled

1 Enrolled, An Act,

2
3 Relating to criminal procedure; to amend Section
4 15-18-8, Code of Alabama 1975, to further provide for the
5 split-sentencing of offenders.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. Section 15-18-8, Code of Alabama 1975, is
8 amended to read as follows:

9 "§15-18-8

10 (a) When a defendant is convicted of an offense, other
11 than a sex offense involving a child as defined in Section
12 15-20A-4, that ~~constitutes~~is a Class A or Class B felony
13 offense, and receives a sentence of ~~20~~30 years or less, the
14 judge presiding over the case may order:

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

24 (2) In cases where the defendant is convicted of a
25 Class A, Class B, or Class C felony and the imposed sentence
26 is greater than 15 years but not more than 20 years, that the
27 convicted defendant be confined in a prison, jail-type
28 institution, or treatment institution for a period of three to



HB43 Enrolled

five 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 period as determined by the court.

(3) In cases where the defendant is convicted of a Class A, Class B, or Class C felony and the imposed sentence is greater than 20 years but not more than 30 years, that the convicted defendant be confined in a prison, jail-type institution, or treatment institution for a minimum period of 10 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 period as determined by the court. The minimum period of confinement provided by this subdivision may not be served in a county jail. Notwithstanding subsection (c), the court shall not suspend or alter the minimum period of confinement ordered.

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

(c) Regardless of whether the defendant has begun



57 serving the minimum period of confinement ordered under
58 subsection (a) or (h), the court shall retain jurisdiction and
59 authority to suspend that portion of the minimum sentence that
60 remains and place the defendant on probation, notwithstanding
61 any provision of the law to the contrary, and the court may
62 revoke or modify any condition of probation or may change the
63 period of probation.

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

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

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

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

73 (4) Complete an accountability court, including, but
74 not limited to, drug court, veterans court, mental health
75 court, and theft court.

76 (e) Except as otherwise provided pursuant to Section
77 15-18-64, the defendant's liability for any fine or other
78 punishment imposed as to which probation is granted shall be
79 fully discharged by the fulfillment of the terms and
80 conditions of probation.

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

84 (g) No defendant serving a minimum period of



HB43 Enrolled

85 confinement ordered under subsection (a) or (h) shall be
86 entitled to parole or to deductions from his or her sentence
87 under the Alabama Correctional Incentive Time Act, during the
88 minimum period of confinement so ordered; provided, however,
89 that this subsection shall not be construed to prohibit
90 application of the Alabama Correctional Incentive Time Act to
91 any period of confinement which may be required after the
92 defendant has served the minimum period.

93 (h) When a defendant is convicted of a misdemeanor or
94 convicted of a municipal ordinance, the judge presiding over
95 the case may impose a sentence in accordance with Section
96 13A-5-7. The court may order a portion of the sentence to be
97 suspended and the defendant be placed on probation for a
98 period not exceeding two years.

99 (i) Nothing in this section shall be construed to
100 impose the responsibility for offenders sentenced to a
101 Department of Corrections facility upon a local confinement
102 facility not operated by the Department of Corrections."

103 Section 2. This act shall become effective on October
104 1, 2025.



HB43 Enrolled

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and
was passed by the House 11-Feb-25.

John Treadwell
Clerk

Senate

06-May-25

Passed