



## House Judiciary Reported Substitute for HB43

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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



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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



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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



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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.