

SB156 ENGROSSED



1 SB156
2 YL496NN-2
3 By Senator Barfoot
4 RFD: Judiciary
5 First Read: 11-Feb-25



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

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

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

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

39 (b) The individual shall file any motion for a
40 reduction in sentence in the criminal division of the circuit
41 court in the county in which the individual was convicted. The
42 motion shall be heard by the original sentencing judge or his
43 or her successor, the presiding judge of the circuit, or a
44 retired judge as assigned by the Chief Justice of the Alabama
45 Supreme Court. If the court determines the inmate is eligible
46 for resentencing under subsection (a), the court shall hold a
47 hearing on the motion. The court shall dismiss the motion if
48 the court determines the inmate to be ineligible.

49 (c) (1) The circuit court clerk shall serve a copy of
50 the motion for a reduction in sentence on the district
51 attorney in the county of the conviction.

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

54 (3) The circuit court clerk shall serve a copy of the
55 motion for a reduction in sentence on the Office of the
56 Attorney General, which shall timely review within 42 days the



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57 relevant indictment to verify whether any prohibited offenses
58 in subdivision (a)(1) have been committed by the inmate filing
59 the motion.

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

66 (e)(1) The circuit court clerk shall notify the Victim
67 Notification Unit of the Bureau of Pardons and Paroles when a
68 motion is filed pursuant to this section and again when the
69 hearing has been set. Upon receipt of these notices, the
70 bureau shall exercise due diligence in attempting to locate
71 and notify each victim named in the indictment. The bureau,
72 when practicable, shall also provide notifications to any
73 victims named in the indictment and to any other interested
74 party registered for notice for the inmate through the
75 statewide automated victim notification system established
76 pursuant to Section 15-22-36.2. Each notification shall
77 include the pendency of the motion; the location, date, and
78 time of the hearing; information explaining the circumstances
79 in which the defendant may be resentenced; notice that the
80 victim has a right to be heard at the hearing through
81 in-person testimony, through a written victim impact
82 statement, or both; the name of the judge presiding over the
83 hearing; information about the offender, including his or her
84 name, crimes for which he or she was convicted, and the



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

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

99 (3) Immediately following an order entered by the
100 court, the circuit court clerk shall notify the Bureau of
101 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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113 (1) The underlying offense.

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

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

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

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

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

126 (i) A court shall give considerable weight to any
127 objection or support for resentencing by a victim named in the
128 indictment and any other interested party registered for
129 notice for the inmate in the statewide automated victim
130 notification system established pursuant to Section 15-22-36.2
131 or the use of a firearm in furtherance of the offense.

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

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

137 (l) If the inmate who filed the motion is determined to
138 be eligible for resentencing pursuant to subsection (a), a
139 hearing on the motion shall occur; provided, the court may not
140 hold a hearing on such a motion until 30 days have passed



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141 following certification by the bureau that it has completed
142 the victim notification requirements set forth in subdivision
143 (e) (1).

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

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

153 Section 2.

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

156 "§15-22-36.2

157 (a) There is hereby created the Victim Notification
158 Implementation Task Force to guide and support the
159 implementation of a statewide automated victim notification
160 system in Alabama. The task force shall be composed of four
161 crime victims' rights advocates designated by the Attorney
162 General and one designee from each of the following: The Board
163 of Pardons and Paroles, the Department of Corrections, the
164 Alabama State Law Enforcement Agency, the Alabama Crime
165 Victims Compensation Commission, the District Attorneys
166 Association or a district attorney representative, the
167 Attorney General, the Administrative Office of Courts, the
168 Alabama Circuit Judges' Association, the Office of Prosecution



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169 Services, the Alabama Circuit Clerk's Association, and any
170 other entity or organization as deemed appropriate by a
171 majority vote of the current representatives composing the
172 task force. The task force shall elect a chair to function as
173 the administrative head. The task force shall meet initially
174 by March 1, 2012, at the call of the Attorney General. The
175 task force shall meet not less than quarterly after January 1,
176 2012, and otherwise at the call of the chair or a majority
177 vote of the current task force representatives. Pursuant to
178 this section and Section 13A-5-9.2, Section 14-14-5, Section
179 15-22-23, Section 15-22-36, Section 15-22-36.3, and Section
180 15-22-26.2, the task force shall be responsible for overseeing
181 the development of the automated victim notification system by
182 the Alabama State Law Enforcement Agency and integration of a
183 process to automatically update victim information into the
184 automated victim notification system on a continual basis. The
185 task force shall also oversee a statewide public education and
186 awareness campaign for the implementation of the automated
187 victim notification system and shall be charged with
188 confirming, by majority vote, that the automated victim
189 notification system complies with the requirements of this
190 section and Section 13A-5-9.2, Section 14-14-5, Section
191 15-22-23, Section 15-22-36, Section 15-22-36.3, and Section
192 15-22-26.2. Approval from the task force shall not be required
193 for the validity of any action taken by any entity represented
194 on the task force in the exercise of any of the power or
195 authority granted to it by the Legislature.

196 (b) Immediately upon approval from the task force by



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197 majority vote that the automated notification system complies
198 with the requirements of this section and Section 13A-5-9.2,
199 Section 14-14-5, Section 15-22-23, Section 15-22-36, Section
200 15-22-36.3, and Section 15-22-26.2, the task force shall
201 automatically convert to the Victim Notification Oversight
202 Council for the purpose of continuing to provide direction to
203 the Alabama State Law Enforcement Agency on development,
204 support, expansion, and maintenance of the automated
205 notification system. The council shall consist of those task
206 force representatives serving on the task force, including
207 appointees, at the time of conversion. Upon conversion,
208 representatives from partner agencies may be added by majority
209 vote of the council. The appointees designated by the Attorney
210 General shall serve four year terms to ensure that a variety
211 of victim advocates are included in the oversight of the
212 system. The Attorney General shall designate a replacement as
213 required at the expiration of the term of a victim advocate.
214 No victim advocate may be appointed for more than two
215 consecutive terms.

216 (c) The Board of Pardons and Paroles shall have
217 authority to carry out the enforcement of Sections 13A-5-9.2,
218 15-22-23, and 15-22-36, and the Department of Corrections
219 shall have authority to carry out the enforcement of Section
220 14-14-5, Section 15-22-36.3, and Section 15-22-26.2.

221 (d) The Alabama State Law Enforcement Agency shall be
222 required to develop, support, house, and maintain the
223 automated notification system referenced in this section and
224 Section 13A-5-9.2, Section 14-14-5, Section 15-22-23, Section



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225 15-22-36, Section 15-22-36.3, and Section 15-22-26.2 for the
226 use of the Board of Pardons and Paroles and the Department of
227 Corrections to make automated notices as required. The system
228 shall additionally be used to make notices of an offender's
229 change in status or custody, or notices regarding criminal
230 justice proceedings deemed to be in the best interest of
231 Alabama crime victims and public safety, by a majority vote of
232 the task force or, after its conversion, the Victim
233 Notification Oversight Council. The automatic notification
234 system created by the Alabama State Law Enforcement Agency
235 shall be the automated notification system used by the state
236 in making notifications to the Alabama crime victims.

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

249 Section 3. (a) The Legislature recognizes that the
250 Alabama Board of Pardons and Paroles is composed of a
251 three-person board, each member of which is appointed by the
252 Governor, serves a six-year term of office, and meets



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253 periodically throughout the year; and an executive staff
254 consisting of an executive director and other administrative
255 staff which together perform the day-to-day duties of the
256 agency. The Legislature also recognizes that the Alabama Board
257 of Pardons and Paroles has reorganized itself to distinguish
258 the duties of the three-person board and the executive staff
259 performing the day-to-day duties of the agency.

260 (b) The Code Commissioner is directed to examine all
261 collective references to the Alabama Board of Pardons and
262 Paroles and, where appropriate, distinguish between the
263 three-member board and the executive staff functions of the
264 agency. References to the duties and functions of the
265 three-member board shall be referred to as the "Alabama Board
266 of Pardons and Paroles" or "board," and references to the
267 executive staff and its duties and functions shall be referred
268 to as the "Bureau of Pardons and Paroles" or "bureau."

269 Section 4. This act shall become effective on October
270 1, 2025.

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273 Senate

274 Read for the first time and referred11-Feb-25
275 to the Senate committee on Judiciary
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277 Read for the second time and placed20-Feb-25
278 on the calendar:
279 0 amendments
280
281 Read for the third time and passed18-Mar-25
282 as amended
283 Yeas 17
284 Nays 8
285 Abstains 0
286
287

288 Patrick Harris,
289 Secretary.
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