HB63 ENGROSSED



- 1 HB63
- 2 36HPEEV-2
- 3 By Representative Hill
- 4 RFD: Judiciary
- 5 First Read: 06-Feb-24
- 6 PFD: 30-Jan-24



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5	A BILL
6	TO BE ENTITLED
7	AN ACT
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9	Relating to criminal procedure; to amend Section
10	15-18-8, as last amended by Act 2023-461, 2023 Regular
11	Session, Code of Alabama 1975, to further provide for the
12	sentencing of offenders.
13	BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
14	Section 1. Section 15-18-8, as last amended by Act
15	2023-461, 2023 Regular Session, Code of Alabama 1975, is
16	amended to read as follows:
17	" §15-18-8
18	(a) When a defendant is convicted of an offense, other
19	than a sex offense involving a child as defined in Section
20	15-20A-4, that constitutes <u>is</u> a Class A or Class B felony
21	offense, and receives a sentence of $\frac{20}{30}$ years or less, the
22	judge presiding over the case may order:
23	(1) In cases where the defendant is convicted of a
24	Class A, Class B, Class C $_{\underline{\prime}}$ or Class D felony and the imposed
25	sentence is not more than 15 years, that the convicted
26	defendant be confined in a prison, jail-type institution, or
27	treatment institution for a period not exceeding three years,
28	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.

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

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- (c) Regardless of whether the defendant has begun serving the minimum period of confinement ordered under subsection (a) or (h), the court shall retain jurisdiction and authority to suspend that portion of the minimum sentence that remains and place the defendant on probation, notwithstanding any provision of the law to the contrary, and the court may revoke or modify any condition of probation or may change the 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:
 - (1) To payPay 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) <u>To provide Provide</u> for the support of any persons 78 for whose support he or she is legally responsible.
- (e) Except as otherwise provided pursuant to Section

 15-18-64, the defendant's liability for any fine or other

 punishment imposed as to which probation is granted shall be

 fully discharged by the fulfillment of the terms and

 conditions of probation.
- (f) During any term of probation, the defendant shall

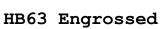


report to the probation authorities at a time and place as directed by the judge imposing the sentence.

- (g) No defendant serving a minimum period of confinement ordered under subsection (a) or (h) shall be entitled to parole or to deductions from his or her sentence under the Alabama Correctional Incentive Time Act, during the minimum period of confinement so ordered; provided, however, that this subsection shall not be construed to prohibit application of the Alabama Correctional Incentive Time Act to any period of confinement which may be required after the defendant has served the minimum period.
- (h) When a defendant is convicted of a misdemeanor or convicted of a municipal ordinance, the judge presiding over the case may impose a sentence in accordance with Section 13A-5-7. The court may order a portion of the sentence to be suspended and the defendant be placed on probation for a period not exceeding two years.
- (i) Nothing in this section shall be construed to impose the responsibility for offenders sentenced to a Department of Corrections facility upon a local confinement facility not operated by the Department of Corrections."

 Section 2. This act shall become effective on October

107 1, 2024.





108 109 110	House of Representatives
111	Read for the first time and referred06-Feb-24
112	to the House of Representatives
113 114	committee on Judiciary
115	Read for the second time and placed21-Feb-24
116	on the calendar:
117	1 amendment
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119	Read for the third time and passed23-Apr-24
120 121	as amended Yeas 60
121	Nays 34
123	Abstains 5
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126	John Treadwell
127	Clerk
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