

1 HB74  
2 189213-1  
3 By Representative Hollis  
4 RFD: Judiciary  
5 First Read: 09-JAN-18  
6 PFD: 01/08/2018

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8 SYNOPSIS: Under existing law, a person convicted and  
9 imprisoned as an adult is credited with all of his  
10 or her time served during the time spent  
11 incarcerated while the person's trial is pending.

12 This bill would also give a person,  
13 including a juvenile, who is detained pursuant to a  
14 court order while awaiting a hearing or other  
15 adjudication credit with all of his or her time  
16 served during the time spent detained while the  
17 proceeding is pending.

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19 A BILL  
20 TO BE ENTITLED  
21 AN ACT

22  
23 Relating to sentencing and punishment; to amend  
24 Section 15-18-5, Code of Alabama 1975, to further provide when  
25 a person shall be credited with actual time served for an  
26 offense pending trial or adjudication for the offense.

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1           Section 1. Section 15-18-5, Code of Alabama 1975, is  
2 amended to read as follows:

3           "§15-18-5.

4           "(a) Upon conviction and imprisonment or other  
5 adjudication resulting in detention pursuant to a court order  
6 in a state or county facility for any felony or misdemeanor,  
7 the sentencing court shall order that the convicted person or  
8 juvenile delinquent be credited with all of his or her actual  
9 time spent incarcerated or detained pending trial or  
10 adjudication for ~~such~~ the offense. The actual time spent  
11 incarcerated or detained pending trial or adjudication shall  
12 be certified by the circuit clerk or district clerk on forms  
13 to be prescribed by the ~~Board~~ Department of Corrections, in  
14 consultation with the Department of Youth Services.

15           "(b) Notwithstanding subsections (b) and (d) of  
16 Section 12-15-219, the credit required in subsection (a) shall  
17 apply to serious juvenile offenders."

18           Section 2. This act shall become effective on the  
19 first day of the third month following its passage and  
20 approval by the Governor, or its otherwise becoming law.