

# HB27 INTRODUCED



1 HB27  
2 KNP2UU5-1  
3 By Representative England  
4 RFD: Judiciary  
5 First Read: 06-Feb-24  
6 PFD: 01-Dec-23



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SYNOPSIS:

Prior to 2017, in capital murder cases, the jury would provide an advisory verdict to the judge regarding the defendant's sentence. The jury's advisory sentence was not binding upon the court; however, the judge was required to give it consideration.

This bill would provide that a defendant may be resentenced if a judge sentenced him or her to a sentence other than the jury's advisory sentence.

This bill would repeal the existing code section relating to resentencing for certain defendants sentenced for capital murder.

This bill would also make nonsubstantive, technical revisions to update the existing code language to current style.

A BILL  
TO BE ENTITLED  
AN ACT

Relating to sentencing; to add Section 13A-5-46.1 to the Code of Alabama 1975, to provide for resentencing for certain defendants sentenced for capital murder; to repeal Section 13A-5-47.1, Code of Alabama 1975, relating to



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29 resentencing for certain defendants; and to make  
30 nonsubstantive, technical revisions to update the existing  
31 code language to current style.

32 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

33 Section 1. Section 13A-5-46.1 is added to the Code of  
34 Alabama 1975, to read as follows:

35 (a) Notwithstanding Section 13A-5-57, a defendant  
36 sentenced prior to June 1, 2024, shall be resentenced pursuant  
37 to Section 13A-5-46, upon petition to the sentencing court.

38 (b) The petition shall be on a form and filed in the  
39 manner prescribed by the Administrative Office of Courts.  
40 Petitions shall be considered authorized motions for  
41 modifications of sentence, assigned a unique identifier by the  
42 Administrative Office of Courts, and shall not require payment  
43 of a filing fee.

44 (c) The Administrative Office of Courts shall adopt  
45 rules as are necessary to implement this section.

46 Section 2. Section 13A-5-47.1, Code of Alabama 1975,  
47 relating to the application of sentencing of certain  
48 defendants convicted of capital murder, is repealed.

49 Section 3. This act shall become effective June 1,  
50 2024.