

HB43 INTRODUCED



1 HB43
2 MLD9WHW-1
3 By Representative Hill
4 RFD: Judiciary
5 First Read: 04-Feb-25
6 PFD: 11-Sep-24



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SYNOPSIS:

Under existing law, a judge may split the sentence of an offender who has received a sentence of 20 years or less.

This bill would allow for a judge to split the sentence of an offender who receives a sentence of 30 years or less.

Under existing law, while incarcerated or on probation, a judge may order a defendant to complete certain conditions.

This bill would also allow a judge to order a defendant who is incarcerated or on probation to complete an accountability court.

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:



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29 "§15-18-8

30 (a) When a defendant is convicted of an offense, other
31 than a sex offense involving a child as defined in Section
32 15-20A-4, that ~~constitutes~~ is a Class A or Class B felony
33 offense, and receives a sentence of ~~20~~ 30 years or less, the
34 judge presiding over the case may order:

35 (1) In cases where the defendant is convicted of a
36 Class A, Class B, Class C, or Class D felony and the imposed
37 sentence is not more than 15 years, that the convicted
38 defendant be confined in a prison, jail-type institution, or
39 treatment institution for a period not exceeding three years,
40 that the execution of the remainder of the sentence be
41 suspended notwithstanding any provision of the law to the
42 contrary, and that the defendant be placed on probation for a
43 period as determined by the court.

44 (2) In cases where the defendant is convicted of a
45 Class A, Class B, or Class C felony and the imposed sentence
46 is greater than 15 years but not more than 20 years, that the
47 convicted defendant be confined in a prison, jail-type
48 institution, or treatment institution for a period of three to
49 five years, that the execution of the remainder of the
50 sentence be suspended notwithstanding any provision of the law
51 to the contrary, and that the defendant be placed on probation
52 for a period as determined by the court.

53 (3) In cases where the defendant is convicted of a
54 Class A, Class B, or Class C felony and the imposed sentence
55 is greater than 20 years but not more than 30 years, that the
56 convicted defendant be confined in a prison, jail-type



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57 institution, or treatment institution for a minimum period of
58 10 years, that the execution of the remainder of the sentence
59 be suspended notwithstanding any provision of the law to the
60 contrary, and that the defendant be placed on probation for a
61 period as determined by the court. Notwithstanding subsection
62 (c), the court shall not suspend or alter the minimum period
63 of confinement ordered.

64 (b) Probation may not be granted for a sex offense
65 involving a child as defined in Section 15-20A-4 that
66 ~~constitutes~~ is a Class A or Class B felony. Otherwise,
67 probation may be granted whether the offense is punishable by
68 fine or imprisonment or both. If an offense is punishable by
69 both fine and imprisonment, the court may impose a fine and
70 place the defendant on probation as to imprisonment. Probation
71 may be limited to one or more counts or indictments, but, in
72 the absence of express limitation, shall extend to the entire
73 sentence and judgment.

74 (c) Regardless of whether the defendant has begun
75 serving the minimum period of confinement ordered under
76 subsection (a) or (h), the court shall retain jurisdiction and
77 authority to suspend that portion of the minimum sentence that
78 remains and place the defendant on probation, notwithstanding
79 any provision of the law to the contrary, and the court may
80 revoke or modify any condition of probation or may change the
81 period of probation.

82 (d) While incarcerated or on probation and among the
83 conditions thereof, the defendant may be required to do any of
84 the following:



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85 (1) ~~To pay~~Pay a fine in one or several sums.

86 (2) ~~To make~~Make restitution or reparation to aggrieved
87 parties for actual damages or loss caused by the offense for
88 which conviction was had.

89 (3) ~~To provide~~Provide for the support of any persons
90 for whose support he or she is legally responsible.

91 (4) Complete an accountability court, including, but
92 not limited to, drug court, veterans court, mental health
93 court, and theft court.

94 (e) Except as otherwise provided pursuant to Section
95 15-18-64, the defendant's liability for any fine or other
96 punishment imposed as to which probation is granted shall be
97 fully discharged by the fulfillment of the terms and
98 conditions of probation.

99 (f) During any term of probation, the defendant shall
100 report to the probation authorities at a time and place as
101 directed by the judge imposing the sentence.

102 (g) No defendant serving a minimum period of
103 confinement ordered under subsection (a) or (h) shall be
104 entitled to parole or to deductions from his or her sentence
105 under the Alabama Correctional Incentive Time Act, during the
106 minimum period of confinement so ordered; provided, however,
107 that this subsection shall not be construed to prohibit
108 application of the Alabama Correctional Incentive Time Act to
109 any period of confinement which may be required after the
110 defendant has served the minimum period.

111 (h) When a defendant is convicted of a misdemeanor or
112 convicted of a municipal ordinance, the judge presiding over



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113 the case may impose a sentence in accordance with Section
114 13A-5-7. The court may order a portion of the sentence to be
115 suspended and the defendant be placed on probation for a
116 period not exceeding two years.

117 (i) Nothing in this section shall be construed to
118 impose the responsibility for offenders sentenced to a
119 Department of Corrections facility upon a local confinement
120 facility not operated by the Department of Corrections."

121 Section 2. This act shall become effective on October
122 1, 2025.