

HB63 ENGROSSED



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



HB63 Engrossed

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

A BILL
TO BE ENTITLED
AN ACT

Relating to criminal procedure; to amend Section 15-18-8, as last amended by Act 2023-461, 2023 Regular Session, Code of Alabama 1975, to further provide for the sentencing of offenders.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 15-18-8, as last amended by Act 2023-461, 2023 Regular Session, Code of Alabama 1975, is amended to read as follows:

"§15-18-8

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

(1) In cases where the defendant is convicted of a Class A, Class B, Class C, or Class D felony and the imposed sentence is not more than 15 years, that the convicted defendant be confined in a prison, jail-type institution, or treatment institution for a period not exceeding three years, that the execution of the remainder of the sentence be



HB63 Engrossed

29 suspended notwithstanding any provision of the law to the
30 contrary, and that the defendant be placed on probation for a
31 period as determined by the court.

32 (2) In cases where the defendant is convicted of a
33 Class A, Class B, or Class C felony and the imposed sentence
34 is greater than 15 years but not more than 20 years, that the
35 convicted defendant be confined in a prison, jail-type
36 institution, or treatment institution for a period of three to
37 five years, that the execution of the remainder of the
38 sentence be suspended notwithstanding any provision of the law
39 to the contrary, and that the defendant be placed on probation
40 for a period as determined by the court.

41 (3) In cases where the defendant is convicted of a
42 Class A, Class B, or Class C felony and the imposed sentence
43 is greater than 20 years but not more than 30 years, that the
44 convicted defendant be confined in a prison, jail-type
45 institution, or treatment institution for a minimum period of
46 10 years, that the execution of the remainder of the sentence
47 be suspended notwithstanding any provision of the law to the
48 contrary, and that the defendant be placed on probation for a
49 period as determined by the court. Notwithstanding subsection
50 (c), the court shall not suspend or alter the minimum period
51 of confinement ordered.

52 (b) Probation may not be granted for a sex offense
53 involving a child as defined in Section 15-20A-4 that
54 ~~constitutes~~ is a Class A or Class B felony. Otherwise,
55 probation may be granted whether the offense is punishable by
56 fine or imprisonment or both. If an offense is punishable by



HB63 Engrossed

57 both fine and imprisonment, the court may impose a fine and
58 place the defendant on probation as to imprisonment. Probation
59 may be limited to one or more counts or indictments, but, in
60 the absence of express limitation, shall extend to the entire
61 sentence and judgment.

62 (c) Regardless of whether the defendant has begun
63 serving the minimum period of confinement ordered under
64 subsection (a) or (h), the court shall retain jurisdiction and
65 authority to suspend that portion of the minimum sentence that
66 remains and place the defendant on probation, notwithstanding
67 any provision of the law to the contrary, and the court may
68 revoke or modify any condition of probation or may change the
69 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:

73 (1) ~~To pay~~Pay 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) ~~To provide~~Provide for the support of any persons
78 for whose support he or she is legally responsible.

79 (e) Except as otherwise provided pursuant to Section
80 15-18-64, the defendant's liability for any fine or other
81 punishment imposed as to which probation is granted shall be
82 fully discharged by the fulfillment of the terms and
83 conditions of probation.

84 (f) During any term of probation, the defendant shall



HB63 Engrossed

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

87 (g) No defendant serving a minimum period of
88 confinement ordered under subsection (a) or (h) shall be
89 entitled to parole or to deductions from his or her sentence
90 under the Alabama Correctional Incentive Time Act, during the
91 minimum period of confinement so ordered; provided, however,
92 that this subsection shall not be construed to prohibit
93 application of the Alabama Correctional Incentive Time Act to
94 any period of confinement which may be required after the
95 defendant has served the minimum period.

96 (h) When a defendant is convicted of a misdemeanor or
97 convicted of a municipal ordinance, the judge presiding over
98 the case may impose a sentence in accordance with Section
99 13A-5-7. The court may order a portion of the sentence to be
100 suspended and the defendant be placed on probation for a
101 period not exceeding two years.

102 (i) Nothing in this section shall be construed to
103 impose the responsibility for offenders sentenced to a
104 Department of Corrections facility upon a local confinement
105 facility not operated by the Department of Corrections."

106 Section 2. This act shall become effective on October
107 1, 2024.



HB63 Engrossed

108
109
110

House of Representatives

111 Read for the first time and referred06-Feb-24
112 to the House of Representatives
113 committee on Judiciary
114
115 Read for the second time and placed21-Feb-24
116 on the calendar:
117 1 amendment
118
119 Read for the third time and passed23-Apr-24
120 as amended
121 Yeas 60
122 Nays 34
123 Abstains 5
124
125

126
127
128

John Treadwell
Clerk