

1 SB267
2 105660-2
3 By Senator Smitherman
4 RFD: Judiciary
5 First Read: 05-FEB-09

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8 SYNOPSIS: Under existing law, the Alabama Sentencing
9 Commission adopted and the Legislature approved the
10 implementation of voluntary sentencing standards
11 for 26 felony offenses. The standards became
12 effective on October 1, 2006.

13 This bill approves modifications to the
14 initial voluntary sentencing standards and the
15 accompanying instructions and worksheets as adopted
16 by the Sentencing Commission on January 16, 2009,
17 and as filed with the Clerk of the Alabama Supreme
18 Court and the Alabama Senate and House of
19 Representatives. The modifications include
20 attempts, conspiracies, and solicitations to commit
21 the crime of murder and certain drug offenses as
22 covered offenses under the standards and to provide
23 recommended sentence ranges and dispositions when a
24 court sentences a defendant convicted of a felony
25 offense covered by the standards, in lieu of the
26 wider ranges under existing statutory law. The
27 modifications also clarify the worksheets

1 instructions to carry out the original intent of
2 sentencing standards

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4 A BILL
5 TO BE ENTITLED
6 AN ACT

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8 Relating to criminal sentencing; to approve
9 modifications to the initial voluntary sentencing standards
10 and the worksheets and instructions relating to the standards.
11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12 Section 1. (a) The Legislature finds the Alabama
13 Sentencing Commission has followed the directives of the
14 Legislature in the Sentence Reform Act of 2003, Act 2003-354,
15 2003 Regular Session, now appearing as Article 2 (commencing
16 at Section 12-25-30), Chapter 25, Title 12, Code of Alabama
17 1975, to develop and recommend to the Legislature a
18 discretionary sentencing structure designed to protect public
19 safety and provide a fair, effective, and efficient criminal
20 sentencing system for this state by doing all of the
21 following:

22 (1) By reviewing the initial voluntary sentencing
23 standards, worksheets, and instructions adopted by the Alabama
24 Sentencing Commission, approved by the Legislature, and
25 implemented effective October 1, 2006, providing a system of
26 statewide voluntary sentencing standards and worksheets for
27 use in felony cases for 26 felony offenses.

1 (2) By taking into account historical sentencing
2 data concerning the use of the initial voluntary sentencing
3 standards.

4 (3) By considering and adopting modifications to the
5 initial voluntary sentencing standards to include attempts,
6 conspiracies, and solicitations to commit murder and attempts,
7 conspiracies, and solicitations to commit the drug offenses
8 of: possession of marihuana; unlawful possession of a
9 controlled substance; sale or distribution of marihuana (other
10 than to a minor); and sale or distribution of schedule I-V
11 (other than to a minor), which are covered offenses under the
12 standards.

13 (4) By adopting modifications to the worksheets to
14 include the offenses enumerated in (a) (3).

15 (5) By adopting modifications to the worksheet
16 instructions to further clarify the use of the worksheets and
17 the sentence length tables that comprise the initial voluntary
18 sentencing standards.

19 (b) The Legislature further recognizes that the
20 development of voluntary sentencing standards by the Alabama
21 Sentencing Commission is and should be a continuous process
22 and the Alabama Sentencing Commission has been directed to
23 continue the development of the voluntary sentencing standards
24 recommendations by collecting and analyzing sentencing data
25 and incorporating a continuum of punishment options, as
26 required by subdivision (1) of Section 12-25-33, Code of
27 Alabama 1975, and by identifying, testing, and recommending

1 modifications of the initial voluntary sentencing standards
2 and worksheets as may be necessary to accomplish the purposes
3 and goals set out in Act 2003-354 and Rule 26 of the Alabama
4 Rules of Criminal Procedure.

5 Section 2. The modifications to the initial
6 voluntary sentencing standards and the accompanying worksheets
7 and instructions, as adopted by the Sentencing Commission on
8 January 16, 2009, and filed with the Clerk of the Supreme
9 Court and the Alabama Senate and Alabama House of
10 Representatives, are approved for implementation and shall
11 become effective for worksheet offenses sentenced on or after
12 October 1, 2009, under the terms and conditions set out in
13 Sections 12-25-34 and 12-25-35, Code of Alabama 1975.

14 Section 3. All laws or parts of laws which conflict
15 with this act are repealed.

16 Section 4. This act shall become effective
17 immediately following its passage and approval by the
18 Governor, or its otherwise becoming law.