

## 5. Increase in Pardon and Parole Facility Fees

HB 531 SB

This bill increases the amount the Board of Pardons and Paroles can deduct from the wages of residents of their community residential facilities from 25% to 45%, with the additional 20% designated for the payment of court costs, fines, fees, assessments and victim restitution. This is consistent with the amount now authorized to be deducted in § 15-18-180, as amended by Act 2003-353, for defendants assigned to a work release or other residential program operated by a community corrections provider. Of the person's earnings, 25% of the gross wages are to be applied to costs incident to the person's supervision and upkeep, 10% to court costs, fines, court-ordered fees and assessments, and 10% to restitution. After the full 45% is deducted for these expenses, the remainder of the wages is to be credited to an account established for the person by the Board and may be paid out for dependent care, savings and spending money.

## 6. Parole Reform Act – Notice Requirement

HB 539 SB

This bill amends § 15-23-36 to provide that the notice of hearings shall:

- 1) be sent to victims named in the indictment (or, if the victim is deceased, the victim's immediate family) by certified mail, return receipt requested, at the last address contained in the Board's files;
- 2) contain the actual time the prisoner has been held in confinement as computed by the Department of Corrections;
- 3) contain the date of "sentence" rather than the date of "conviction"; and
- 4) be provided to the Chief of Police of the city or town only if the crime was committed in an incorporated area with a police department.

## 7. Medical and Geriatric Release

HB 603 SB 339

This bill provides for discretionary medical and geriatric release by the Board of Pardons and Paroles of "terminally ill," "permanently incapacitated," and "geriatric inmates,"\* who do not constitute a danger to themselves or society, and establishes procedures for submitting applications for consideration of eligibility and time frames for the Board and the Department of Corrections. The authority to grant medical or geriatric release is within the Board's discretion and not subject to judicial review in either the exercise of authority or the manner in which it is exercised. In determining an inmate's eligibility for release the Board is to consider the inmate's 1) risk for violence; 2) criminal history; 3) institutional behavior; 4) age (currently and at the time of the offense); 5) the severity of the illness, disease or infirmities; 6) all available medical and mental health records; and release plans, which include alternatives to caring for terminally ill, permanently ill, or geriatric inmates in traditional prison settings. Inmates convicted of capital murder or sentenced to life without parole are not eligible for release under the provisions of this bill.

\*A geriatric inmate is defined as an inmate convicted of a non-capital felony offense sentenced to the penitentiary (for less than life without parole, is 65 years of age or older, and "who suffers from a chronic infirmity, illness, or disease related to aging and poses a low risk to the community (does not constitute a danger to himself or society)."

## 8. 2004 Historically-Based Sentencing Standards

HB 791 SB 526

Pursuant to the Sentencing Reform Act of 2003, Act 2003-354, the Sentencing Commission has developed historically based time-imposed sentencing standards that will provide uniform sentencing recommendations for the trial court judges in sentencing convicted felons. These standards address both the length of sentences and the disposition of the offender (probation, intermediate alternative or prison) and will apply to three groups of offenses – drug/alcohol, property and personal. After approval of these standards by the Legislature, these standards will be implemented October 1, 2004. In other states, structured sentencing, like that proposed for Alabama has provided a useful mechanism for making informed decisions relating to management of prison populations.

ALABAMA SENTENCING COMMISSION

*Developing an effective, fair and efficient sentencing system with an emphasis on public safety.*

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# The Alabama Sentencing Commission

## 2004 Legislative Package

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**THE SENTENCING COMMISSION'S  
2004 LEGISLATION**

**1. Increased Fines for Felony Offenses**

HB 608 SB 341  
Amends §13A-5-11 and 13A-5-12 to increase, based on the inflation index, the maximum amount of fines *authorized* to be assessed upon conviction for a felony, misdemeanor or state violation.

The proposed increases in the maximum fines authorized are as follows:  
Class A felony, from \$20,000 to \$60,000;  
Class B felony, from \$10,000 to \$30,000;  
Class C felony, from \$5,000 to \$15,000;  
Class A misdemeanor, from \$2,000 to \$6,000;  
Class B misdemeanor, from \$1,000 to \$3,000;  
Class C misdemeanor, from \$500 to \$1,500;  
State violation, from \$200 to \$600.

The fine amounts in the Criminal Code have not been revised since they were originally set in 1977. The proposed fines are comparable to those authorized in Tennessee, Georgia and Virginia and, to the fines imposed for new offenses in Florida, Mississippi and South Carolina (states which do not have a general fine statute or that have not revised their statute in many years).

Crime	Existing	Proposed
Class A Felony	\$20,000	\$60,000
Class B Felony	\$10,000	\$30,000
Class C Felony	\$5,000	\$15,000
Class A Misd.	\$2,000	\$6,000
Class B Misd.	\$1,000	\$3,000
Class C Misd.	\$500	\$1,500
State Violation	\$200	\$600

Drug	Quantity	Fine
<b>Cannabis</b>	1 kilo/2.2 lb.	\$25,000
	100 lbs. to 500 lbs.	\$50,000
	500 lbs to 1,000 lbs.	\$200,000
	1,000 lbs or more	<u>\$250,000</u>
<b>Cocaine</b>	28 grams to 500 gr.	\$50,000
	500 grams to 1 kilo	\$100,000
	1 kilo to 10 kilos	\$250,000
	10 kilos or more	<u>\$300,000</u>
<b>Heroin, morphine, opium</b>	4 grams to 14 grams	\$50,000
	14 grams to 28 grams	\$100,000
	28 grams to 56 grams	\$500,000
	56 grams or more	<u>\$600,000</u>
<b>Methaqualone</b>	1,000 pills to 5,000 pills	\$50,000
	5,000 to 25,000 pills	\$100,000
	25,000 to 100,000 pills	\$500,000
	100,000 or more pills	<u>\$600,000</u>
<b>Hydromorphone</b>	500 pills to 1,000 pills	\$50,000
	1,000 pills to 4,000 pills	\$100,000
	4,000 pills to 10,000 pills	<del>\$100,000</del>
	10,000 pills or more	<u>\$250,000</u> <u>\$500,000</u>
<b>3,4-methylene-dioxy amphetamine</b>	28 grams to 500 grams	\$50,000
	500 grams to 1 kilo	\$100,000
	1 kilo to 10 kilos	\$250,000
	10 kilos or more	<u>\$500,000</u>
<b>5-methoxy-3, 4-ethylenedioxy amphetamine</b>	28 grams to 500 grams	\$50,000
	500 grams to 1 kilo	\$100,000
	1 kilo to 10 kilos	\$250,000
	10 kilos or more	<u>\$500,000</u>
<b>Phencyclidine</b>	4 grams to 14 grams	\$50,000
	14 grams to 28 grams	\$100,000
	28 grams to 56 grams	\$250,000
	56 grams or more	<u>\$500,000</u>
<b>Lysergic Acid Diethylamide</b>	4 grams to 14 grams	\$50,000
	14 grams to 28 grams	\$100,000
	28 grams to 56 grams	\$500,000
	56 grams or more	<u>\$600,000</u>
<b>Amphetamine &amp; Methamphetamine</b>	28 grams to 500 grams	\$50,000
	500 grams to 1 kilo	\$100,000
	1 kilo to 10 kilos	\$250,000
	10 kilos or more	<u>\$500,000</u>

**2. Trafficking - Fines Established for Serious Offenders**

HB 533 SB  
Alabama's trafficking statute, §13A-12-231, fails to provide a fine for the most serious trafficking offense and fails to impose a graduated increase for trafficking in hydromorphone where the drug amount is 4,000 or more, but less than 10,000 pills or capsules (now authorizes the assessment of the same fine as more than 1,000 but less than 4,000 pills). This bill will provide for an increased fine for this offense and authorize the assessment of a fine up to maximum amount for the other more serious offenses.  
See chart.

**3. Bondsman's Process Fee for Community Corrections Programs**

HB 711 SB 342  
This bill authorizes the assessment of a \$20 fee for the issuance of bondsman's process and provides for distribution of \$15 of this fee collected in district and circuit courts to the State-County Community Corrections Partnership Fund created by Act 2003-353 and \$5 of the fee distributed to the Clerks Fund. Bondsman's process fees collected in municipal courts are to be distributed to the Corrections Fund of the municipality and earmarked for the funding of Community corrections and work release programs.

Under existing law, bondsman's process must be issued by the court clerk upon the request of any bondsman and there are no fees assessed upon application for, or issuance of, the process. By assessing a fee, this bill will not only raise revenue, but should also reduce the number of requests, and hopefully decrease some of the clerk's workload.

This bill also provides for the distribution of the \$50 penalty that is now authorized to be assessed for tardy returns of bondsman's process. Although current law authorizes assessment of this penalty, no fund is established for distribution of this fee when collected in district or circuit court. Under the provisions of this bill, fees collected in district and circuit courts are authorized to be distributed to the clerk's fund created by § 12-17-225.4 or, for counties that do not have a Clerk's fund established, the Clerk's Administrative Fund established by this bill. The \$50 penalty collected in municipal courts is to be deposited into the corrections fund or the municipality.

**4. Supplemental Appropriations for Community Corrections Programs**

HB 607 SB 338  
The Alabama Sentencing Commission strongly encouraged that this bill be regarded as a priority in the legislative package presented this year because funding is essential for state-wide expansion of community corrections programs and is a fundamental part of the Commission's sentencing reform efforts. Funding in the amount of \$5.5 million was a major part of the Commission's recommendation in 2003 for full implementation of the Community Punishment and Corrections Act (2003-353), and is required before the Department of Corrections (DOC) establishes a Community Corrections Division and appoints a full-time Director. An appropriation of \$2.9 million was included as a line item in DOC's budget for Community Corrections and the \$2.6 million requested in this bill will provide DOC with the \$5.5 million originally requested.