

1 HB565
2 73036-1
3 By Representative Black (M)
4 RFD: Judiciary
5 First Read: 01-MAR-05

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8 SYNOPSIS: Under existing law, the Sentencing
9 Commission is directed to develop and present
10 additional voluntary truth-in-sentencing standards
11 to the Legislature during the 2006 Regular Session.

12 This bill would extend this presentation to
13 the 2008 Regular Session of the Legislature.

14
15 A BILL
16 TO BE ENTITLED
17 AN ACT

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19 To amend Section 12-25-34 of the Code of Alabama
20 1975, to extend the time for the presentation of additional
21 truth-in-sentencing standards to the Legislature.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. Section 12-25-34 of the Code of Alabama
24 1975, is amended to read as follows:

25 "§12-25-34.

1 "(a) Statewide voluntary sentencing standards shall
2 be developed and presented to the Legislature in stages over a
3 three-year period as follows:

4 "(1) By July 31, 2003, the commission shall develop
5 and distribute to all sentencing judges a reference manual
6 analyzing historical sentencing practices by duration of
7 sentence and disposition of felony offenders in Alabama. The
8 reference manual shall indicate those types of offenders
9 historically most likely to be sentenced to punishments other
10 than active incarceration where alternatives to active
11 incarceration are available.

12 "(2) Concurrently with the development and
13 distribution of the reference manual, the commission shall
14 develop and begin testing worksheets and voluntary sentencing
15 standards in selected circuits for selected felony offenses.

16 "(3) The commission shall develop and present the
17 initial voluntary sentencing standards to the Legislature
18 before or during the 2004 Regular Session. These standards
19 shall be introduced in the 2004 Regular Session and shall
20 become effective on October 1 following the 2004 Regular
21 Session, if approved by an act of the Legislature passed
22 during that session. The initial voluntary sentencing
23 standards based on sentences imposed shall apply only to
24 convictions for felony offenses committed before the effective
25 date of voluntary truth-in-sentencing standards.

26 "(4) The commission shall develop and present
27 voluntary truth-in-sentencing standards to the Legislature

1 before or during the ~~2006~~ 2008 Regular Session. These
2 standards shall be introduced in the ~~2006~~ 2008 Regular Session
3 and shall become effective on October 1 following the ~~2006~~
4 2008 Regular Session, if approved by an act of the Legislature
5 passed during that session. The voluntary truth-in-sentencing
6 standards shall apply only to felony offenses committed on or
7 after the effective date of these standards.

8 "(b) Recommended sentence ranges shall be
9 established by standards that are based on historical
10 sentencing practices, adjusted to achieve sentencing goals as
11 established in Rule 26 of the Alabama Rules of Criminal
12 Procedure, this chapter, and Section 12-25-31.

13 "(c) Voluntary sentencing standards shall take into
14 account and include statewide historically based sentence
15 ranges, including all applicable statutory minimums and
16 sentence enhancement provisions, including the Habitual Felony
17 Offender Act, with adjustments made to reflect current
18 sentencing policies. No additional penalties pursuant to any
19 sentence enhancement statute shall apply to sentences imposed
20 based on the voluntary sentencing standards.

21 "(d) After adoption of the initial voluntary
22 standards and the voluntary truth-in-sentencing standards, any
23 modifications made by the commission shall be contained in the
24 annual report presented to the Governor, the Legislature, the
25 Chief Justice, and the Attorney General. An annual report
26 containing proposed modifications shall be presented to the
27 Governor, the Legislature, the Chief Justice, and the Attorney

1 General before or during the third legislative day of each
2 regular session of the Legislature. The modifications shall be
3 introduced during that regular session and shall become
4 effective on October 1 following the legislative session in
5 which the modifications were introduced, if approved by an act
6 of the Legislature passed during the legislative session in
7 which the modifications were introduced."

8 Section 2. This act shall become effective
9 immediately following its passage and approval by the
10 Governor, or its otherwise becoming law.