

HB476

By Representative Black (M)

RFD Judiciary

Rd 1 17-FEB-05

**SYNOPSIS:** Under existing law, the Alabama Sentencing Commission has adopted voluntary sentencing standards for 26 felony offenses. The commission was directed to develop voluntary sentencing standards to the Legislature for approval, which standards will become effective if approved by an act of the Legislature. The commission was directed to develop standards based on an analysis of historical sentencing patterns and practices adjusted to achieve sentencing goals pursuant to Article 2, Chapter 25, Title 12, Code of Alabama 1975, and court rules.

This bill approves the initial voluntary sentencing standards and the accompanying instructions and worksheets as adopted by the Sentencing Commission on December 3, 2004, and as filed with the Clerk of the Alabama Supreme Court, the Secretary of the Senate, and the Clerk of the House of Representatives. The standards provide recommended sentence ranges and dispositions when a court sentences a defendant convicted of a felony offense covered by the standards in lieu of the wider ranges under existing statutory law.

A BILL  
TO BE ENTITLED  
AN ACT

To adopt the initial voluntary sentencing standards of the Alabama Sentencing Commission.  
BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) The Legislature finds the Alabama Sentencing Commission has followed the directives of the Legislature in the Alabama Sentencing Reform Act of 2003, Article 2 (commencing at Section 12-25-30), Chapter 25, Title 12, Code of Alabama 1975, to develop and recommend to the Legislature a discretionary sentencing structure designed to protect public safety by providing a fair, effective, and efficient criminal sentencing system for this state by doing all of the following:

(1) By developing a system of statewide voluntary sentencing standards and worksheets for use in felony cases for 26 felony offenses representing 87 percent of all felony convictions in Alabama over a five-year period.

(2) By taking into account historical sentencing data concerning time imposed and other factors that, after analysis of historical data, appear to be relevant in determining both the duration and disposition of sentences in the applicable felony cases.

(3) By basing the voluntary sentencing standards on historical sentencing practices adjusted to achieve sentencing goals as established in Rule 26 of the Alabama Rules of Criminal Procedure and Section 12-25-31, Code of Alabama 1975.

(b) The Legislature further recognizes that the development of voluntary sentencing standards by the Alabama Sentencing Commission is and should be a continuous process and the Alabama Sentencing Commission has been directed to continue the development of the voluntary sentencing standards recommendations by collecting and analyzing sentencing data and incorporating a continuum of punishment options, as required by subdivision (1) of Section 12-25-33, Code of Alabama 1975, and by identifying, testing, and recommending modifications of the initial voluntary sentencing standards and worksheets as may be necessary to accomplish the purposes and goals set out in Article 2, Chapter 25, Title 12, Code of Alabama 1975, and Rule 26 of the Alabama Rules of Criminal Procedure.

Section 2. The initial voluntary sentencing standards and the accompanying worksheets and standards, as adopted by the Sentencing Commission on December 3, 2004, and as filed with the Clerk of the Supreme Court, the Secretary of the Senate, and the Clerk of the House of Representatives, are approved for implementation effective on October 1, 2005, under the terms and conditions set out in Sections 12-25-34 and 12-25-35, Code of Alabama 1975.

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

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

**Crimes and Offenses**

**Criminal Law and Procedure**

**Sentencing Commission**

**Legislature**