

# Alabama Sentencing Commission

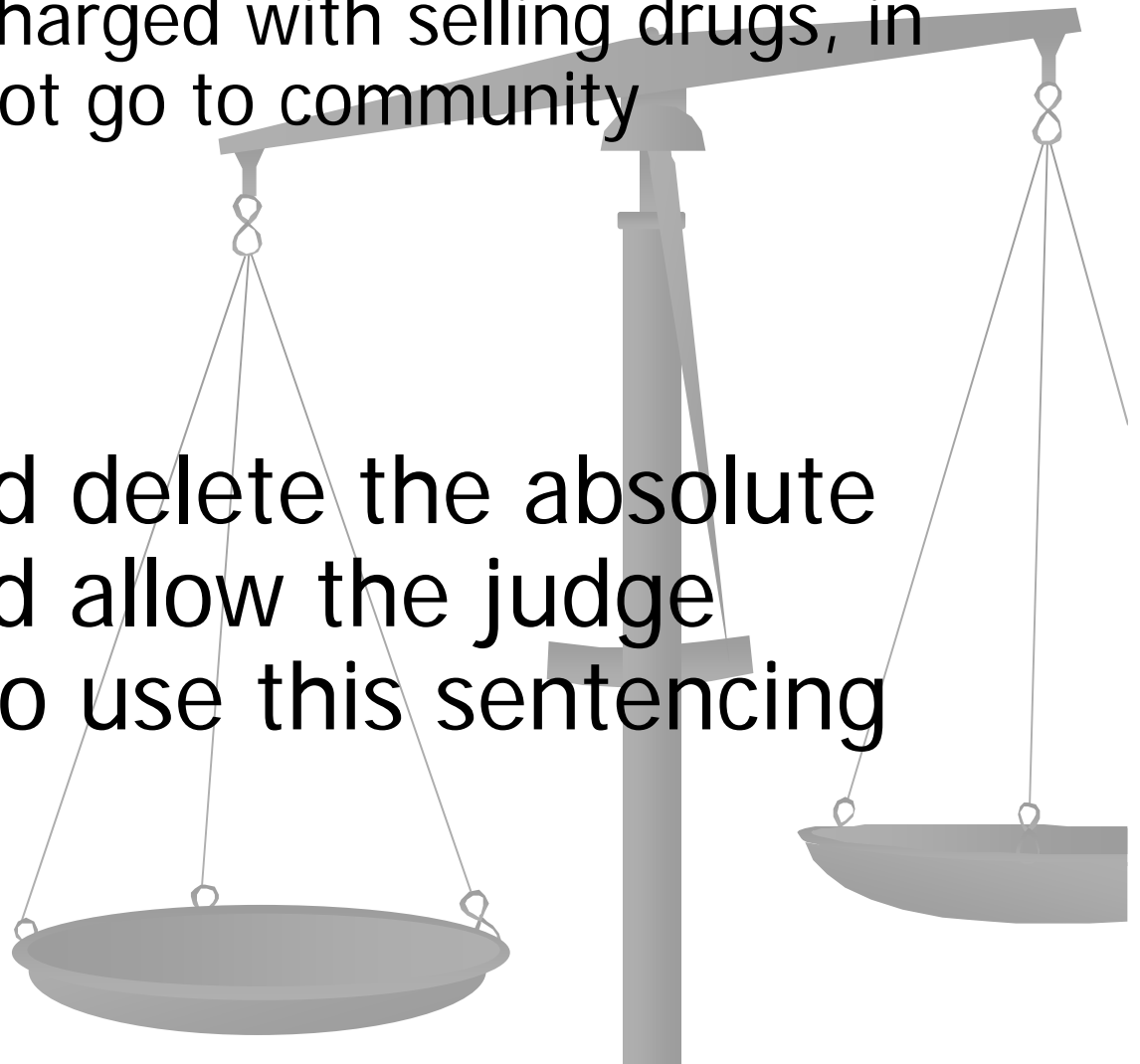


Proposed  
2010 Legislative Package

# 1. Community Corrections

- Now any person charged with selling drugs, in any amount, cannot go to community corrections.

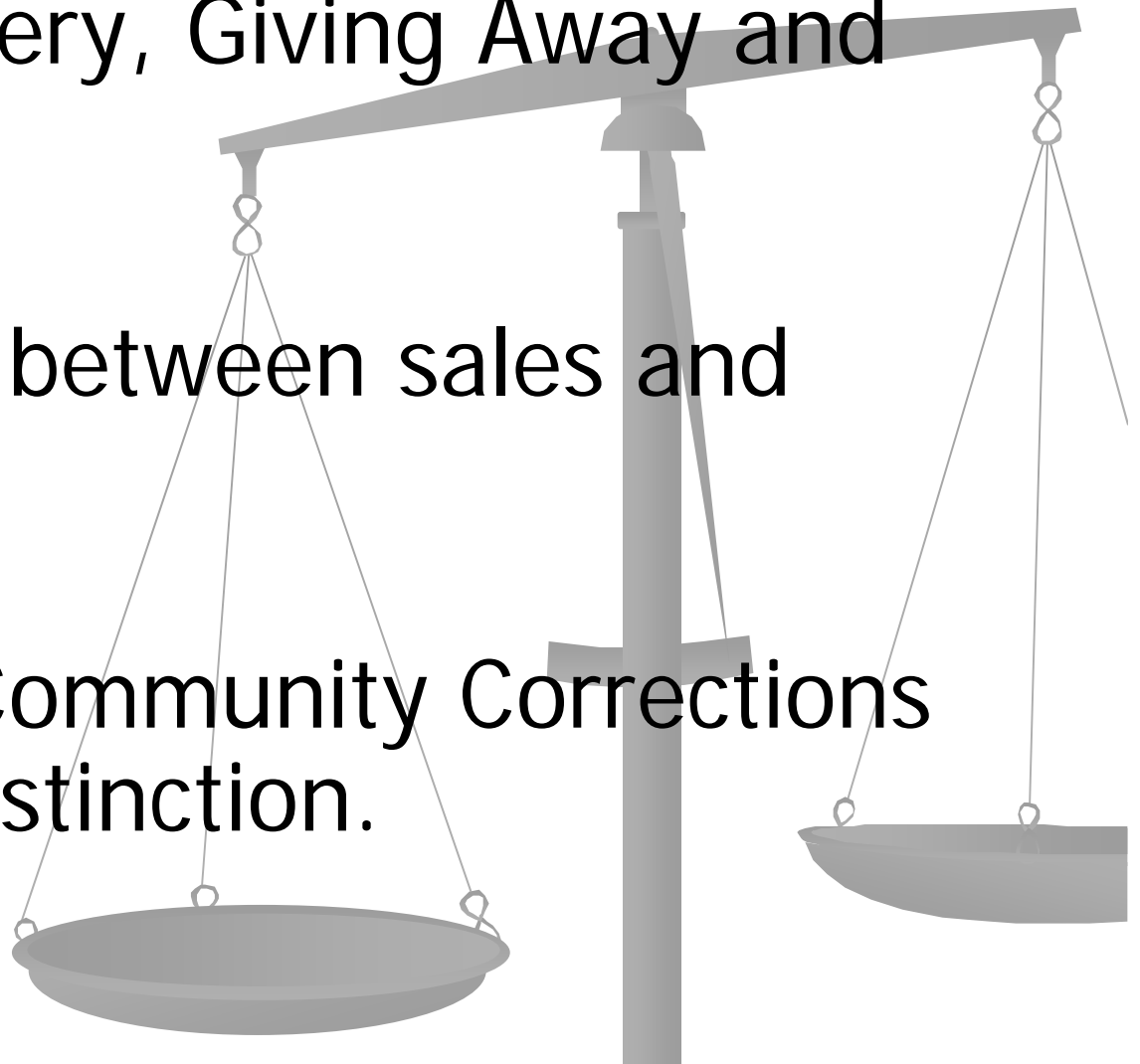
1. This bill would delete the absolute prohibition and allow the judge decide when to use this sentencing alternative.



# Drug Distribution Statute

## Section 13A-12-211

- Includes Delivery, Giving Away and Selling
- No distinction between sales and non-sales
- Eligibility for Community Corrections depends on distinction.



# Impact

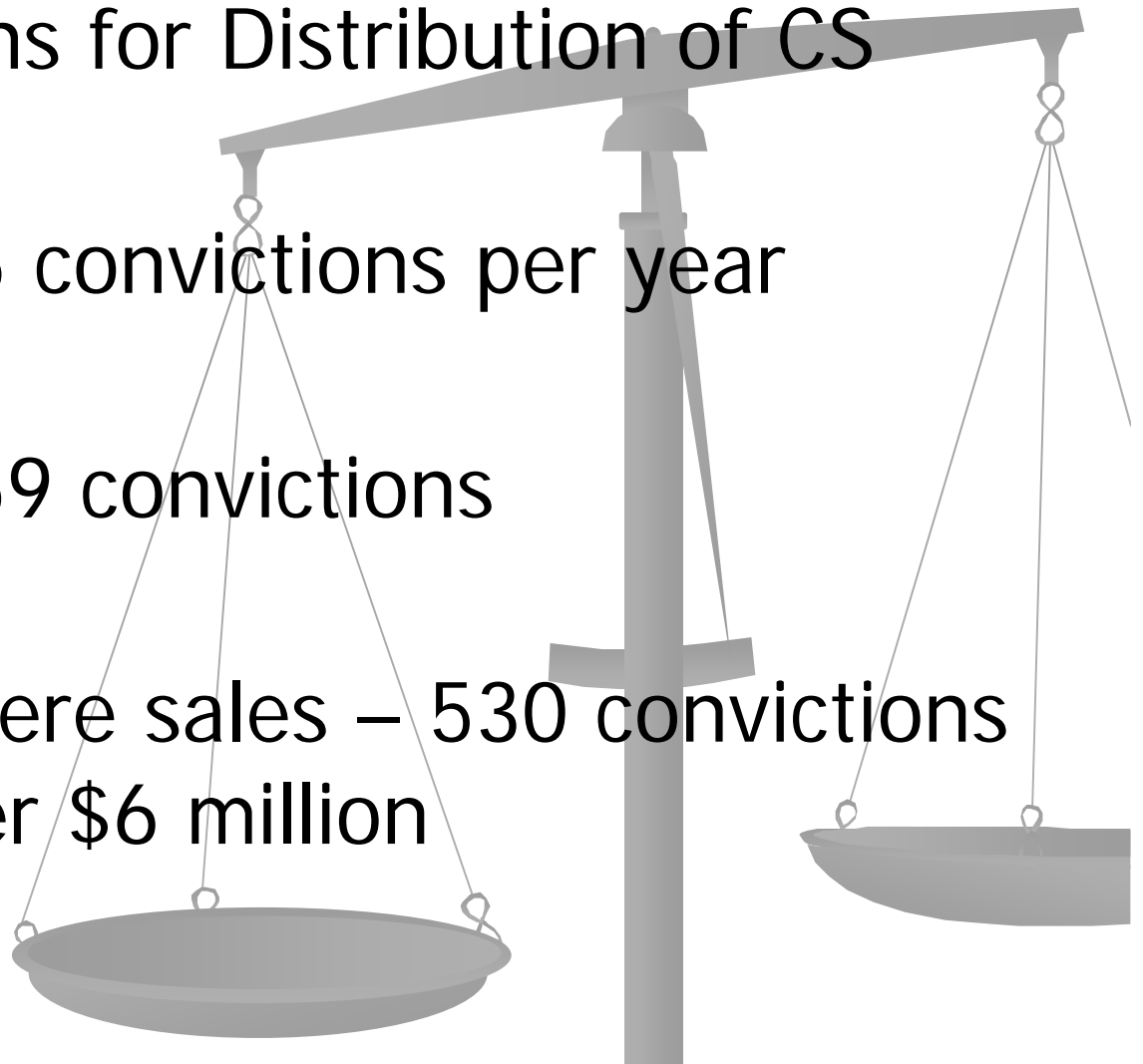
- FY 04 - FY 08

4,726 convictions for Distribution of CS

- Average of 945 convictions per year

- FY 2008 – 1,059 convictions

- Assuming  $\frac{1}{2}$  were sales – 530 convictions  
Savings of over \$6 million

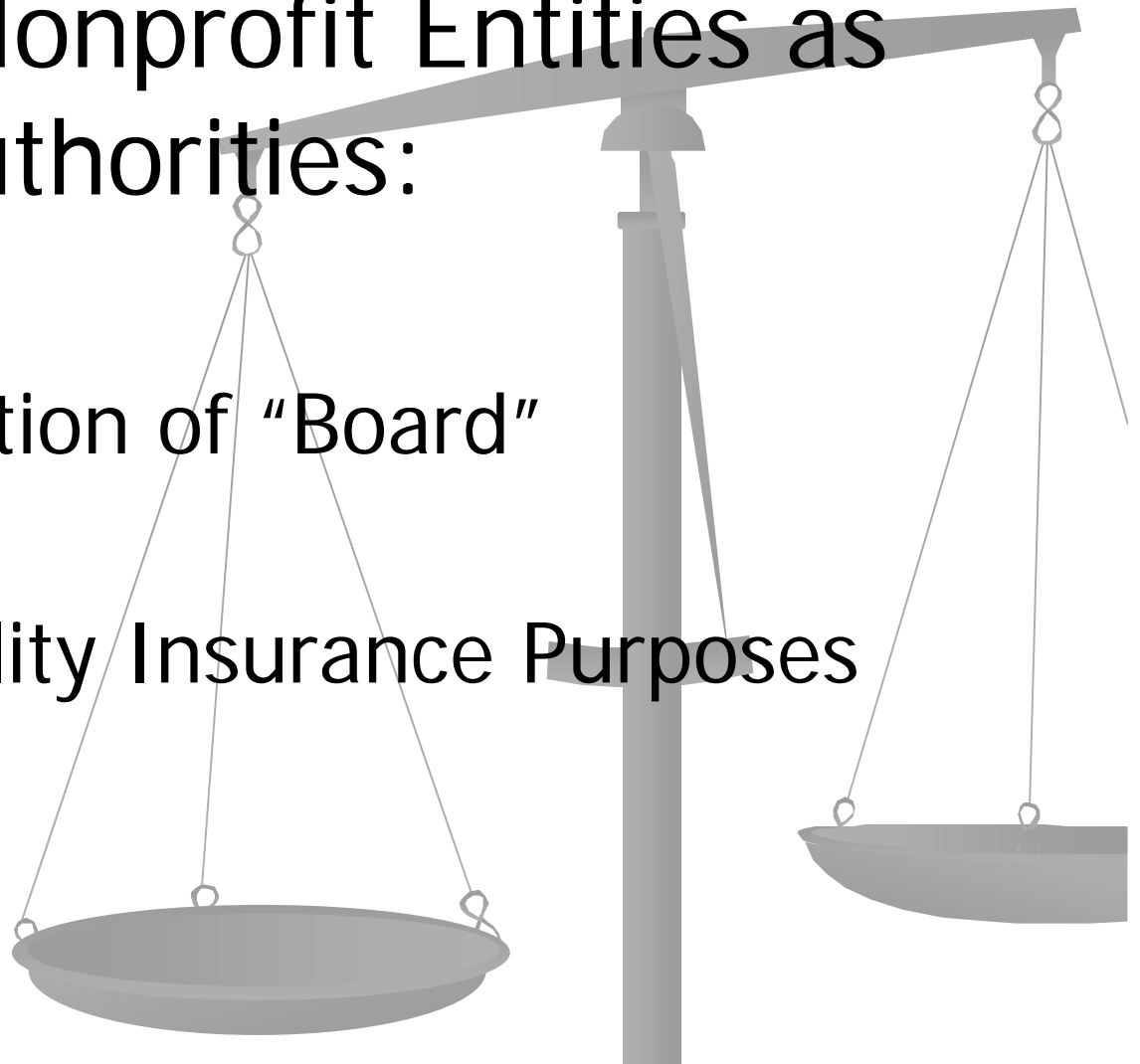


# Community Corrections

2. Includes Nonprofit Entities as well as authorities:

In Definition of "Board"

For Liability Insurance Purposes



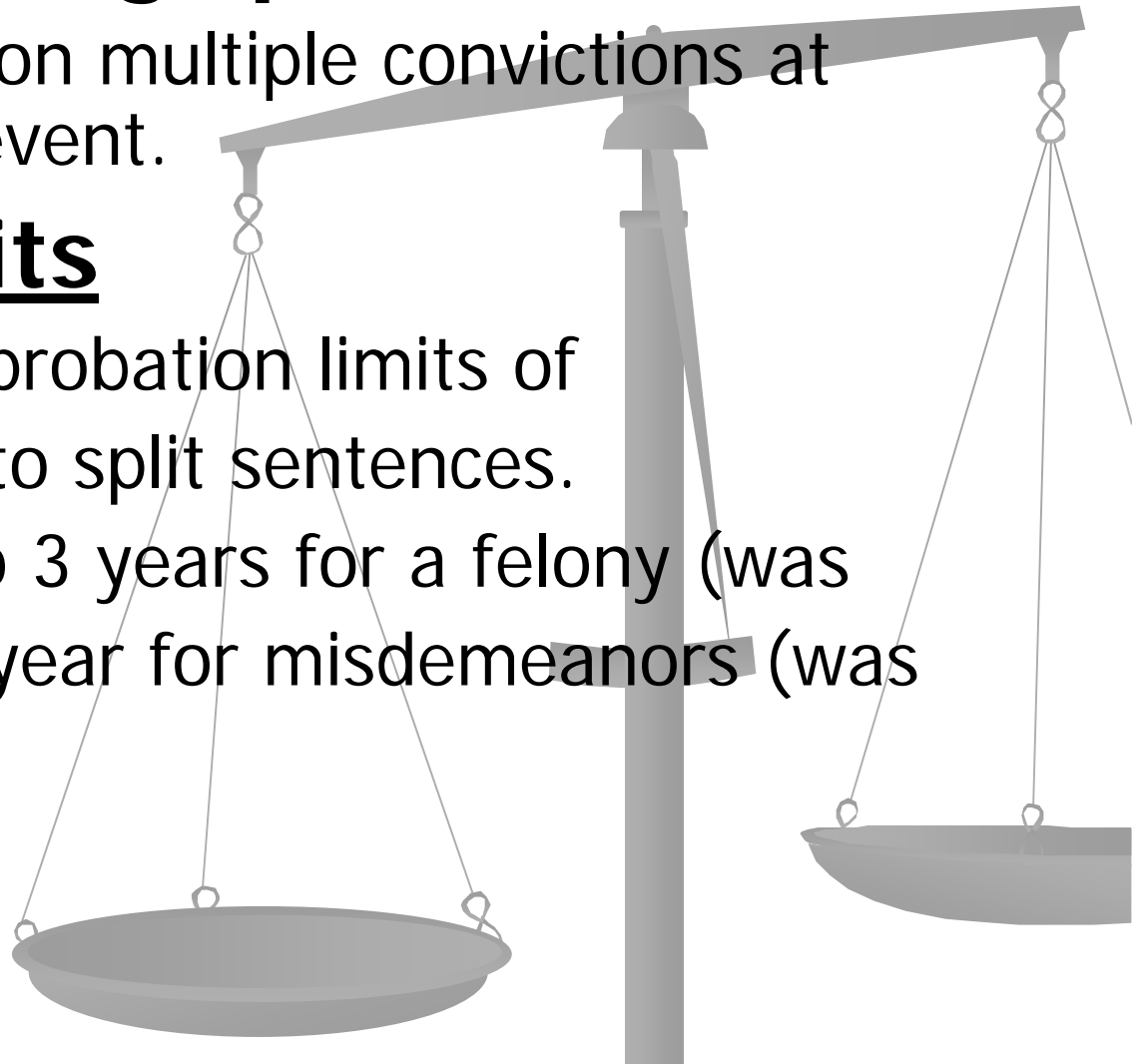
## 2. SPLIT SENTENCE

### ■ Prohibits stacking splits

Consecutive Splits on multiple convictions at same sentencing event.

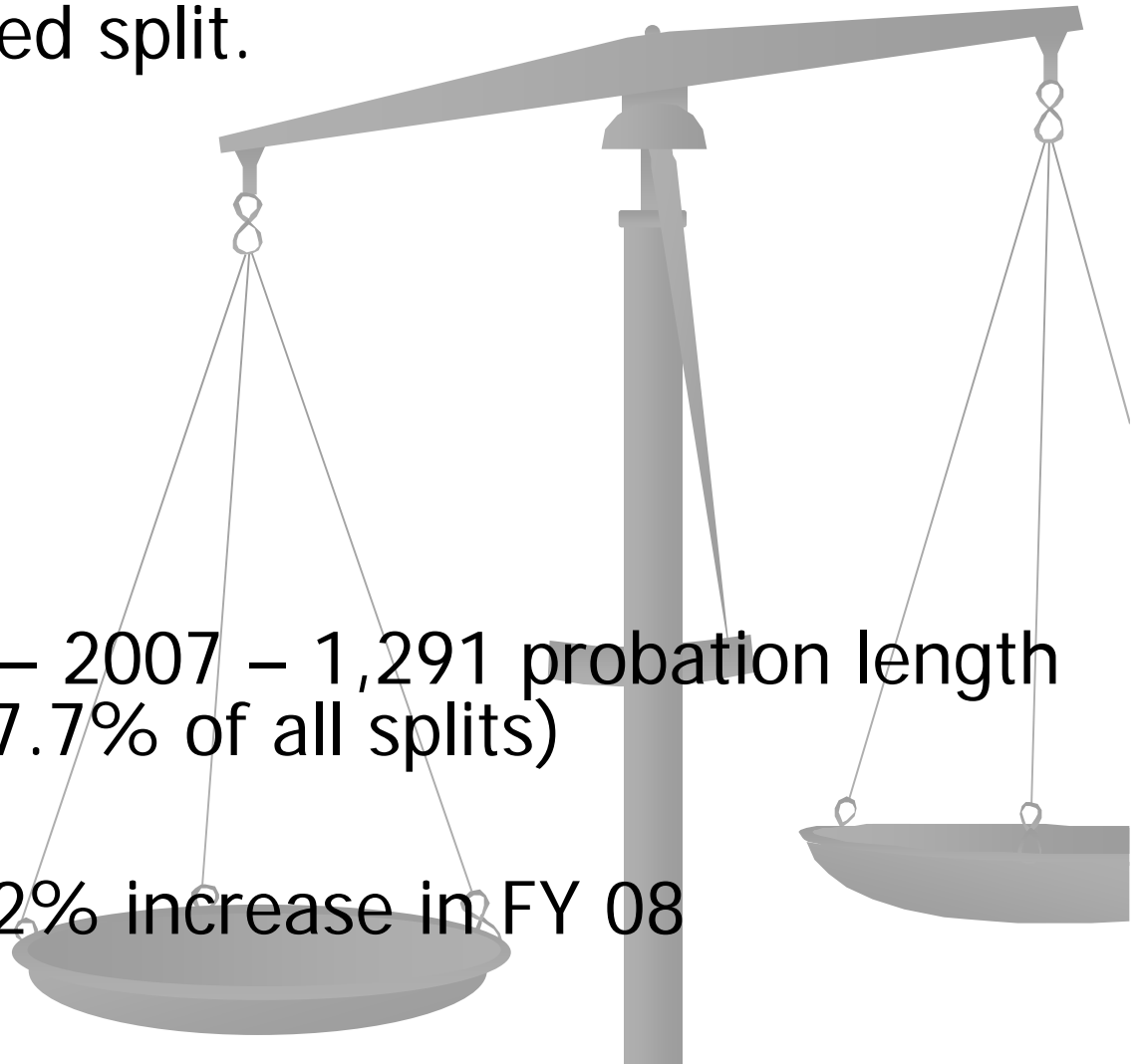
### ■ Probation Limits

- Uniformly applies probation limits of Section 15-22-54 to split sentences.
- Limits probation to 3 years for a felony (was 5 years) and one year for misdemeanors (was 2 years).



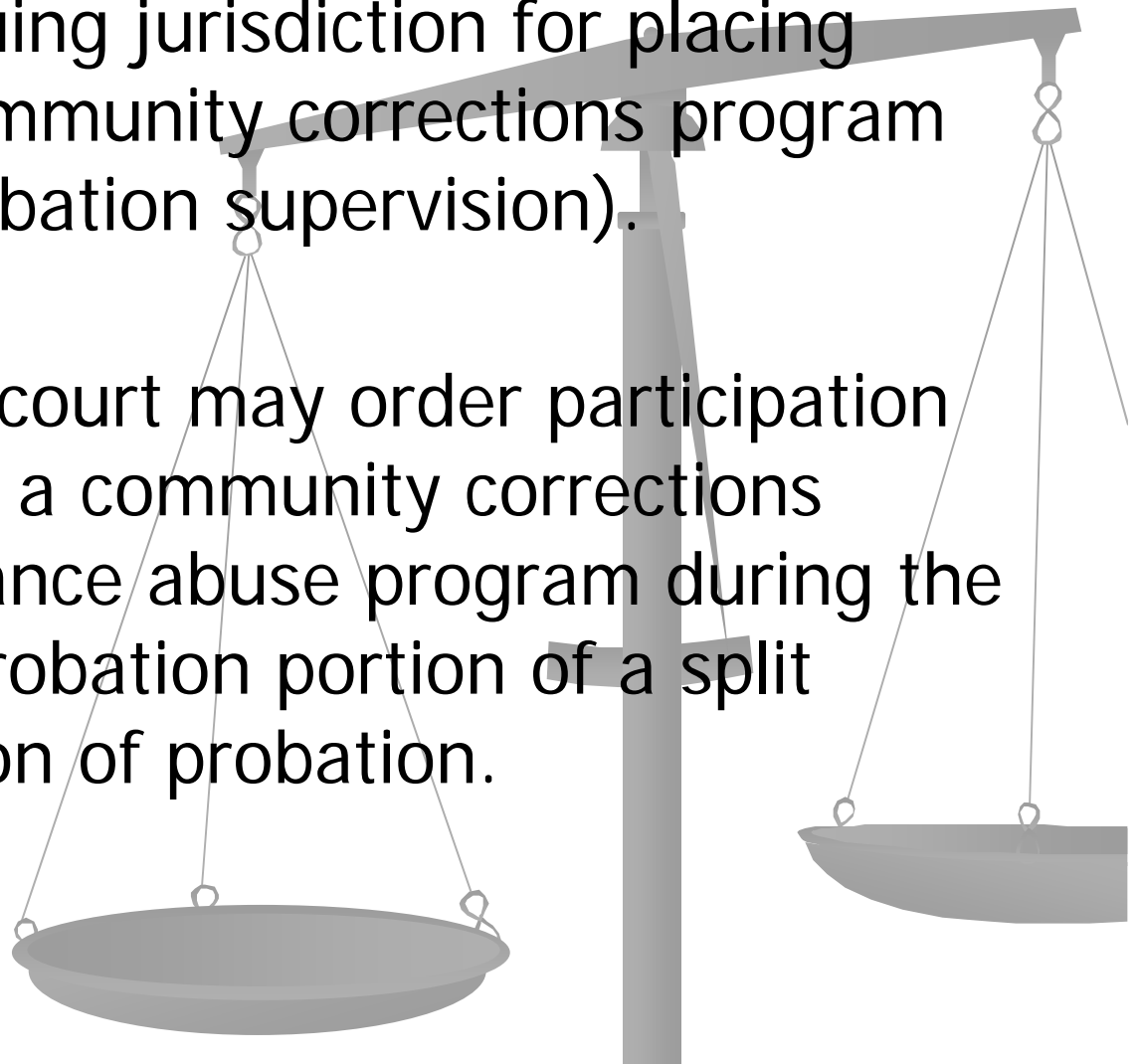
# Impact

- FY 2003- FY 2007 – 239 felons sentenced to Penitentiary on stacked split.
- 2003 – 42
- 2004 – 47
- 2005 – 55
- 2006 – 54
- 2007 – 41
  
- Probation – FY 2003 – 2007 – 1,291 probation length more than 5 years. (7.7% of all splits)
  
- 40% enter on split. 2% increase in FY 08



# SPLIT SENTENCE

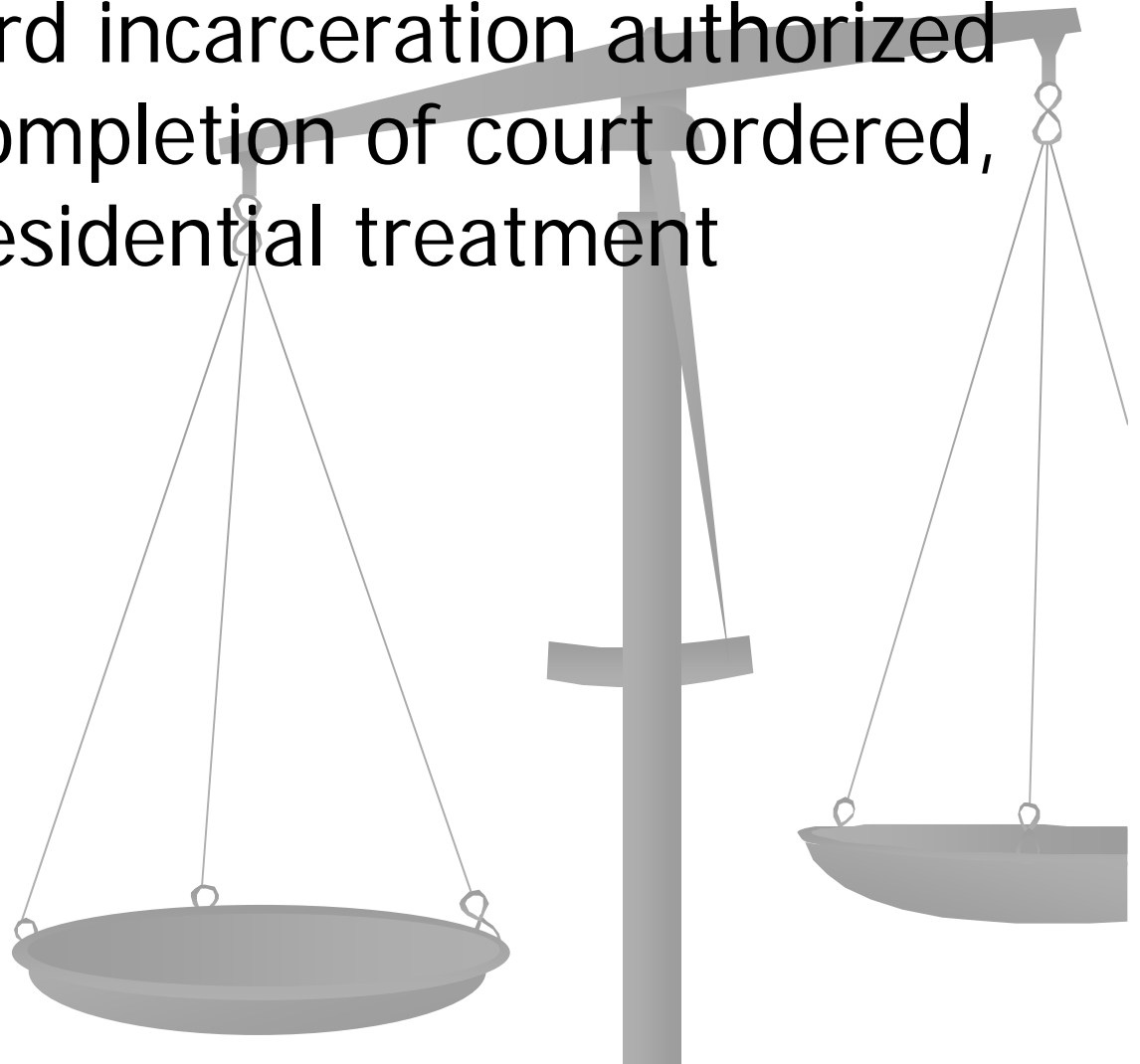
- Authorizes continuing jurisdiction for placing defendant in a community corrections program (in addition to probation supervision).
- Specifies that the court may order participation and completion of a community corrections program or substance abuse program during the incarceration or probation portion of a split OR upon revocation of probation.





# SPLIT SENTENCE

- Full Credit toward incarceration authorized on successful completion of court ordered, state certified residential treatment program.



# 3. Modification of Standards

- Add Attempts, Conspiracies, and Solicitations to Sentencing Standards

Murder

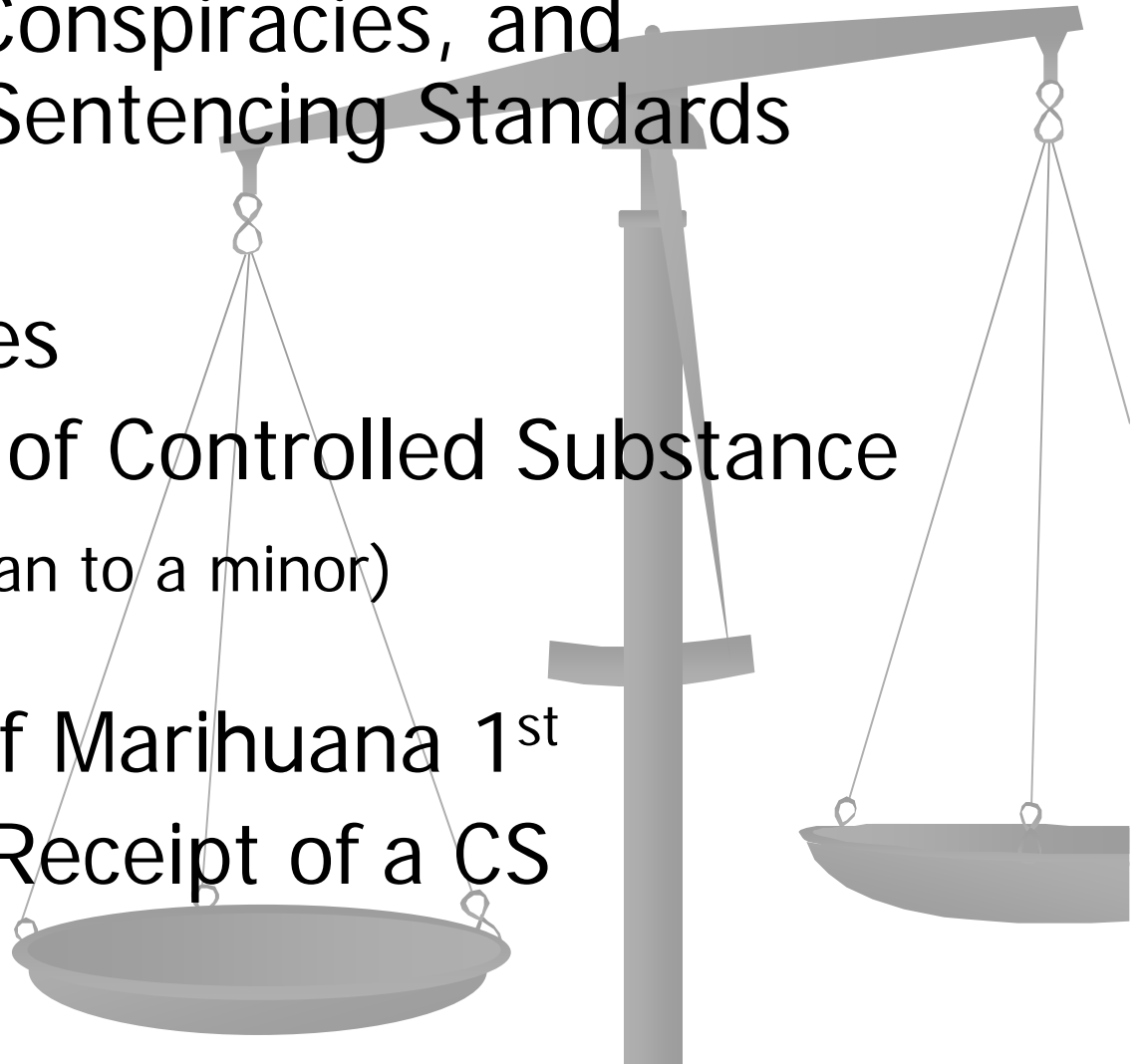
Drug Offenses

Distribution of Controlled Substance

(other than to a minor)

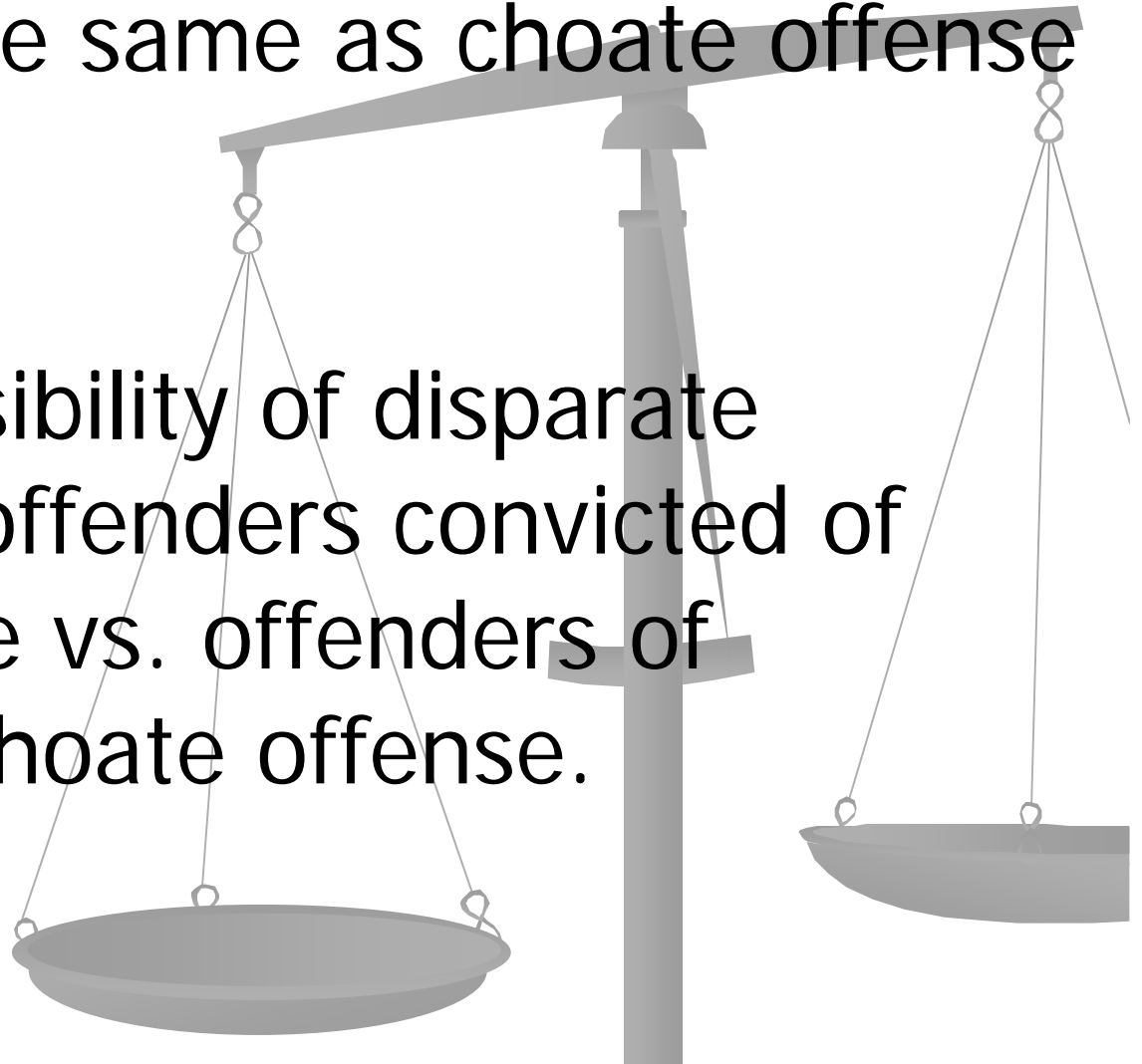
Possession of Marihuana 1<sup>st</sup>

Possession/Receipt of a CS



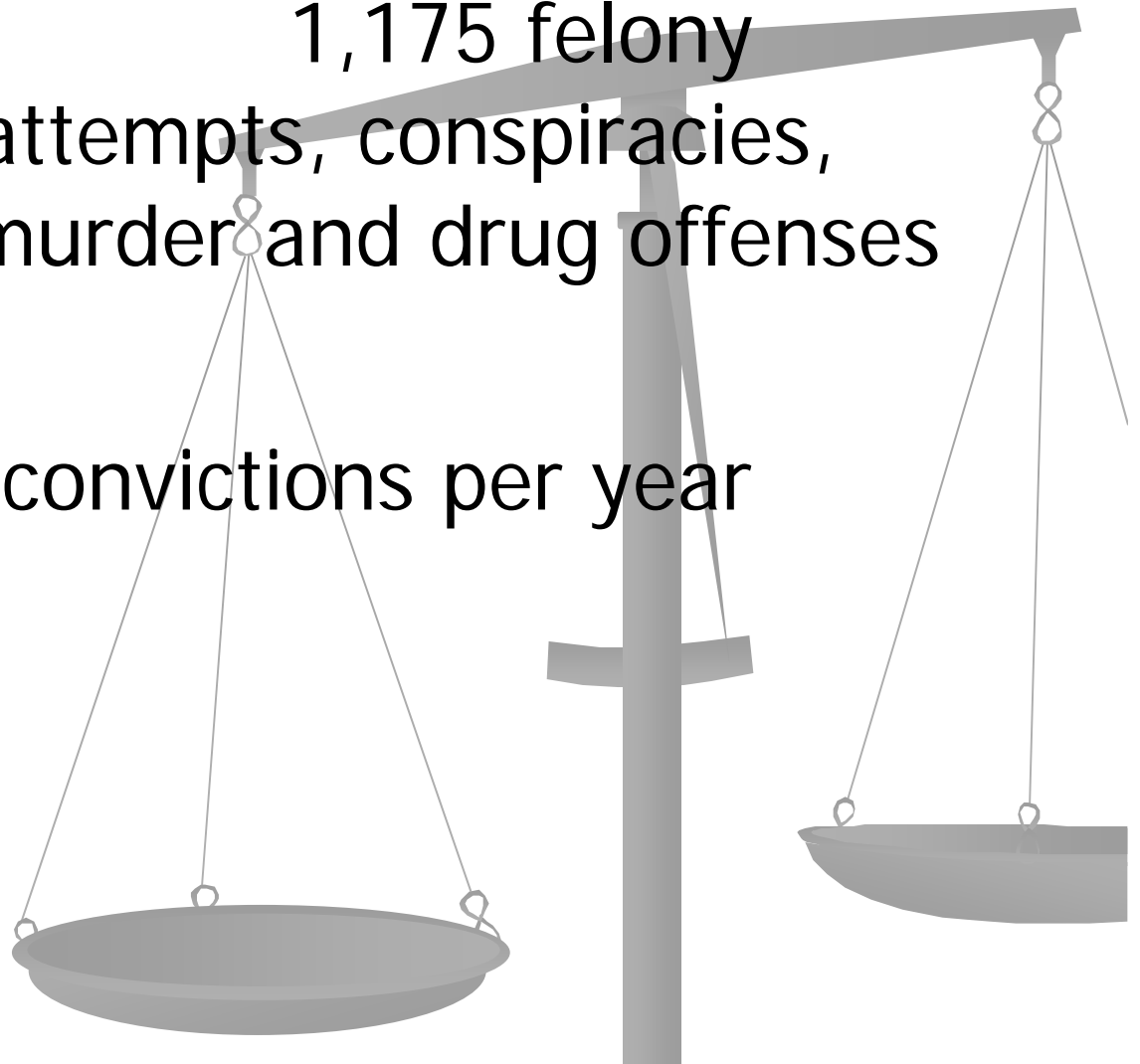
# WHY???

- Punishable the same as choate offense
- Eliminate Possibility of disparate sentences of offenders convicted of inchoate crime vs. offenders of convicted of choate offense.



# Impact

- FY 2004 – 2008 1,175 felony convictions for attempts, conspiracies, solicitations of murder and drug offenses
- Average of 235 convictions per year



## 4. Value-Based Statutes

- Requires ASC to report to House and Senate Judiciary Committees every 4 years.
- Recommended changes to value-based crimes based on inflationary changes.
- Consultation with LFO required
- Beginning 2011 Regular Session

