

1 HB532
2 117509-2
3 By Representatives Fields and McAdory
4 RFD: Judiciary
5 First Read: 11-FEB-10

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8 SYNOPSIS: Under existing law, a person convicted of
9 capital murder is sentenced to the term of life
10 without the possibility of parole or death.

11 This bill would provide that if the person
12 convicted of a capital offense was a first-time
13 felony offender who had no prior felony convictions
14 at the time of the capital offense and the
15 defendant meets certain other requirements, the
16 sentencing/presiding judge would be required to
17 reduce the defendant's sentence from life without
18 the possibility of parole to life with the
19 possibility of parole.

20 This bill would provide for retroactive
21 review of offenders sentenced prior to the
22 effective date of this act.

23
24 A BILL
25 TO BE ENTITLED
26 AN ACT
27

1 Relating to capital offenses; to add Section
2 13A-5-57.1 to the Code of Alabama 1975, relating to penalties
3 for capital offenses; to provide for the reduction of the
4 sentence of a first-time felony offender convicted of a
5 capital offense who meets certain requirements from life
6 without the possibility of parole to life with the possibility
7 of parole; and to provide for retroactive review of offenders
8 sentenced prior to the effective date of this act.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. Section 13A-5-57.1 is added to the Code
11 of Alabama 1975, to read as follows:

12 §13A-5-57.1.

13 (a) In all cases where it is shown that an offender
14 had no prior felony convictions prior to being convicted of
15 capital murder and where the offender received a sentence of
16 life imprisonment without the possibility of parole for
17 capital murder, the offender may petition a sentencing court
18 for reconsideration of the life imprisonment without the
19 possibility of parole sentence to be reduced to a sentence of
20 life with the possibility of parole after the offender has
21 served 20 years on his or her life without parole sentence.

22 (b) The sentencing judge, or the presiding judge of
23 the sentencing judge if the sentencing judge is no longer
24 sitting, shall reduce the offender's sentence from life
25 without the possibility of parole to life with the possibility
26 of parole provided the offender meets the following
27 requirements:

1 (1) The offender has served 20 years on his or her
2 life without the possibility of parole sentence.

3 (2) The offender had no felony convictions prior to
4 being convicted of capital murder.

5 (3) The prison record by the offender shows no
6 disciplinary action for assault on other inmates or Department
7 of Corrections employees during the 10 consecutive years
8 immediately preceding the date of the petition of the offender
9 for a sentence reduction pursuant to this section.

10 (4) The prison record of the offender shows no
11 disciplinary action for escape or attempted escape during the
12 10 consecutive years immediately preceding the date of the
13 petition by the offender for a sentence reduction.

14 (5) The prison record of the offender shows no
15 disciplinary action for sexual assault during 10 consecutive
16 years immediately preceding the date of the petition by the
17 offender for a sentence reduction.

18 (6) The prison record of the offender shows no
19 disciplinary action for illegal drug or alcohol use as
20 determined by testing positive for these substances on a urine
21 test during the five consecutive years immediately preceding
22 the date of the petition by the offender for a sentence
23 reduction.

24 Section 2. Upon receipt of the petition pursuant to
25 Section 1, the sentencing/presiding judge shall order the
26 Department of Corrections to provide all necessary records to
27 the court to assist in making this determination. The judge

1 shall also consider documentation and records provided by the
2 offender.

3 Section 3. This act shall apply to offenders
4 sentenced after passage of this act and shall retroactively
5 apply to offenders presently serving life without the
6 possibility of parole.

7 Section 4. An offender may petition for a sentencing
8 reduction pursuant to this act at any time after serving 20
9 years on his or her life without parole sentence. If the
10 petition by the offender is denied, the offender may petition
11 the court again every two years.

12 Section 5. This act shall become effective on the
13 first day of the third month following its passage and
14 approval by the Governor, or its otherwise becoming law.