

1 HB52
2 215981-1
3 By Representative Hill
4 RFD: Judiciary
5 First Read: 11-JAN-22
6 PFD: 01/06/2022

SYNOPSIS: Under existing law, a judge may sentence a defendant convicted for a criminal offense to a split sentence under certain circumstances.

Under existing law, a defendant sentenced to a split sentence is required to serve the remainder of the original sentence if his or her probation is revoked.

This bill would provide that a judge may use his or her discretion in determining the length of sentence a defendant must serve if his or her probation is revoked, including the ability to resplit the sentence within the remainder of the sentence.

A BILL
TO BE ENTITLED
AN ACT

Relating to crimes and offenses, to provide that a judge may use discretion in the length of sentence a defendant

1 must serve if his or her probation is revoked, including the
2 ability to resplit the sentence within the remainder of the
3 sentence.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. (a) Notwithstanding any other law to the
6 contrary, if a defendant's probation is revoked, and the
7 defendant was sentenced pursuant to Section 15-18-8, Code of
8 Alabama 1975, the sentencing judge may determine the length of
9 revocation sentence, including the ability to resplit the
10 sentence within the remainder of the sentence.

11 (b) This act shall apply to any defendant who is
12 subject to probation without regard to when he or she was
13 sentenced for or committed the crime.

14 Section 2. This act shall become effective
15 immediately following its passage and approval by the
16 Governor, or its otherwise becoming law.