

1 HB240  
2 145613-2  
3 By Representative DeMarco  
4 RFD: Judiciary  
5 First Read: 12-FEB-13

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8 SYNOPSIS: Under existing law, the Habitual Offender  
9 Act was amended in 2000. The provisions of the  
10 amended act were made retroactive in 2001 to  
11 persons sentenced under the prior law. Since the  
12 2001 enactment, a convicted person sentenced under  
13 the prior law could file a motion in court for a  
14 review of his or her sentence. The amended act does  
15 not apply to a person sentenced after May 25, 2000.

16 This bill would repeal Section 13A-5-9.1,  
17 Code of Alabama 1975, providing for the retroactive  
18 application of the Habitual Offender Act, as  
19 amended. The repeal would be prospective and would  
20 not apply to any pending motion for a review of a  
21 sentence pursuant to the retroactive application of  
22 the law.

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

1           To repeal Section 13A-5-9.1, Code of Alabama 1975,  
2 relating to the Habitual Offender Act and providing for the  
3 retroactive application of the act as amended.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5           Section 1. Section 13A-5-9.1, Code of Alabama 1975,  
6 is repealed.

7           Section 2. This act shall be applied prospectively  
8 only. Any case, on the effective date of this act, in which a  
9 motion filed pursuant to Section 13A-5-9.1, Code of Alabama  
10 1975, is pending in the trial court or is subject to an appeal  
11 or pending in an appellate court on appeal from the denial of  
12 a motion shall not be affected by this act.

13           Section 3. This act shall become effective  
14 immediately following its passage and approval by the  
15 Governor, or its otherwise becoming law.