

1 HB596
2 126296-1
3 By Representative Boman
4 RFD: Judiciary
5 First Read: 03-MAY-11

8 SYNOPSIS: Under existing law, the Alabama Sentencing
9 Commission adopted and the Legislature approved the
10 implementation of voluntary sentencing standards
11 for 26 felony offenses and charged the Alabama
12 Sentencing Commission with continued study and
13 analysis of sentencing practices. The standards
14 became effective on October 1, 2006.

15 This bill approves the voluntary sentencing
16 standards and the accompanying instructions and
17 worksheets with modifications as adopted by the
18 Alabama Sentencing Commission on January 7, 2011,
19 and as filed with the Clerk of the Alabama Supreme
20 Court and clerks of the Alabama Senate and House of
21 Representatives. The modifications include adding
22 attempts, conspiracies and solicitations to commit
23 murder and certain drug offenses as covered
24 offenses under the standards and provide
25 recommended sentence ranges and dispositions when a
26 court sentences a defendant convicted of a felony
27 offense covered by the standards in lieu of the

1 wider ranges under existing statutory law. The
2 modifications also clarify the worksheet
3 instructions to carry out the original intent of
4 sentencing standards.

5 Also, under existing law, the final
6 worksheets considered by the trial judge prior to
7 sentencing are required to be given to the circuit
8 clerk to forward copies to the Alabama Sentencing
9 Commission along with a copy of the final
10 sentencing order in each covered case.

11 This bill would require the final worksheets
12 considered by the trial judge to be initialed or
13 signed by the judge and made a part of the record
14 in the case.

15
16 A BILL

17 TO BE ENTITLED

18 AN ACT

19
20 Relating to criminal sentencing; to approve
21 modifications to the initial voluntary sentencing standards,
22 worksheets, and instructions adopted by the Alabama Sentencing
23 Commission; and to require that final worksheets in each case
24 be signed or initialed by the trial judge and made a part of
25 the record in each case.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) The initial voluntary sentencing standards and the accompanying worksheets and instructions, as modified and adopted by the Alabama Sentencing Commission on January 7, 2011, and filed with the Clerk of the Supreme Court and the clerks of the Alabama Senate and Alabama House of Representatives, are approved for implementation effective on October 1, 2011, under the terms and conditions set out in Sections 12-25-34 and 12-25-35, Code of Alabama 1975.

(b) In addition to the provisions of subsection (a), the final worksheets considered by the trial judge related to a criminal sentencing pursuant to subsection (a) shall be signed or initialed by the judge and made a part the record in each case.

Section 2. All laws or parts of laws which conflict with this act are repealed.

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