

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

ENGROSSED

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) Notwithstanding any other law to the contrary, if a defendant's probation is revoked, and the defendant was sentenced pursuant to Section 15-18-8, Code of Alabama 1975, the sentencing judge may determine the length of revocation sentence, including the ability to resplit the sentence within the remainder of the sentence pursuant to Section 15-18-8, Code of Alabama 1975. If the revocation sentence imposed is less than the length of time remaining on the original sentence, the remainder of the sentence shall be suspended and the defendant may be placed on probation for a period and upon terms as the court deems best.

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

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

House of Representatives

Read for the first time and referred to the House of Representatives committee on Judiciary 11-JAN-22

Read for the second time and placed
on the calendar 1 amendment 09-FEB-22

Read for the third time and passed
as amended. 16-FEB-22

Yeas 71, Nays 28, Abstains 0

Jeff Woodard
Clerk