

Alabama Sentencing Commission

Huntsville Bar Association

January 10, 2024

Wise Words

“It is vital that we do not succumb to oversimplifying a complicated process and accepting easy answers. In this complicated area of law, solutions that sound simple are invariably based upon limited information or faulty assumptions.”

Judge Joseph A. Colquitt

Alabama's Complex System

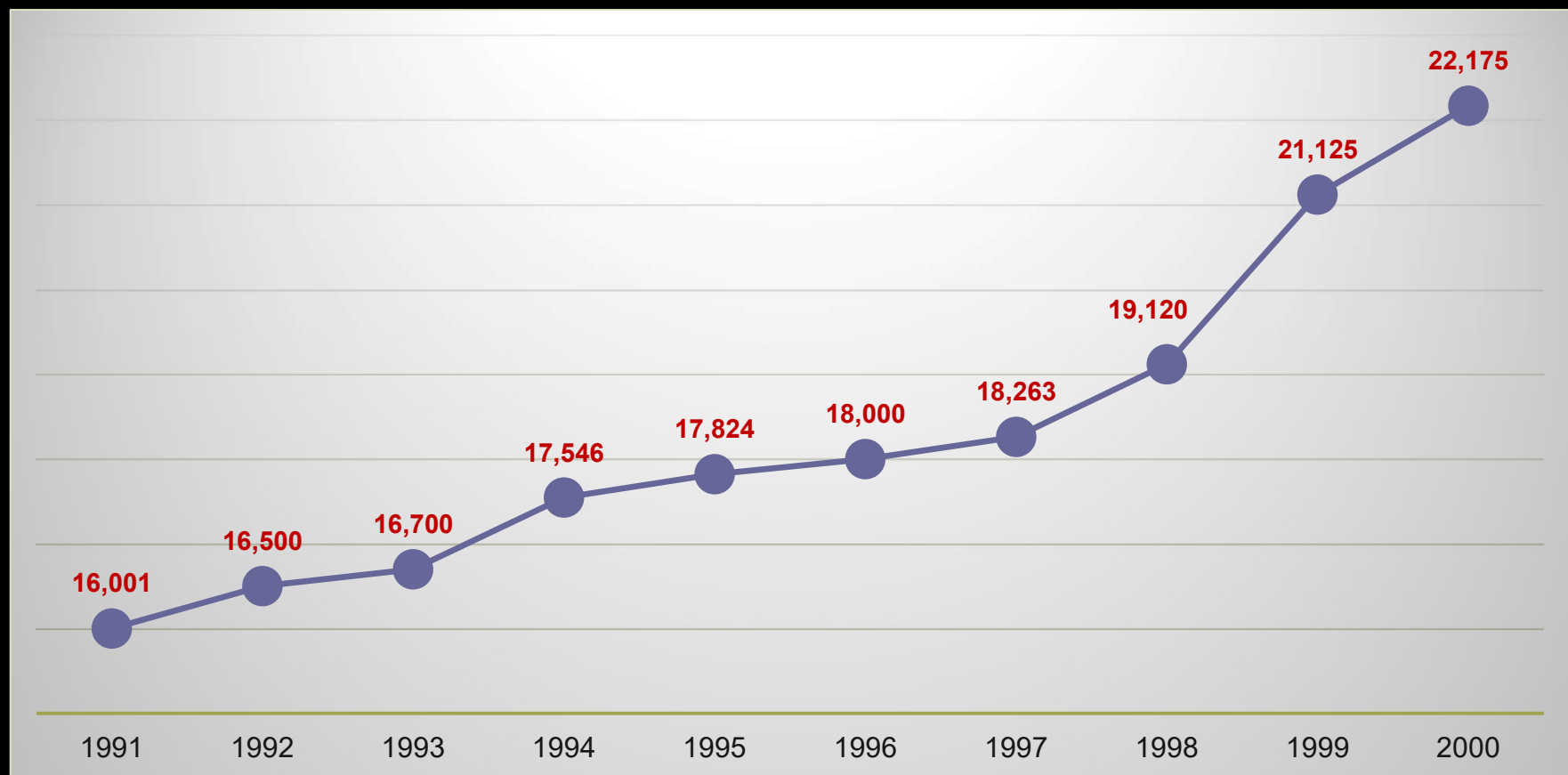
mandatory community parole
voluntary good-time split
pre-trial release
prison jail guidelines straight
probation corrections
presumptive habitual
diversion specialty

ADOC Population – 1980s

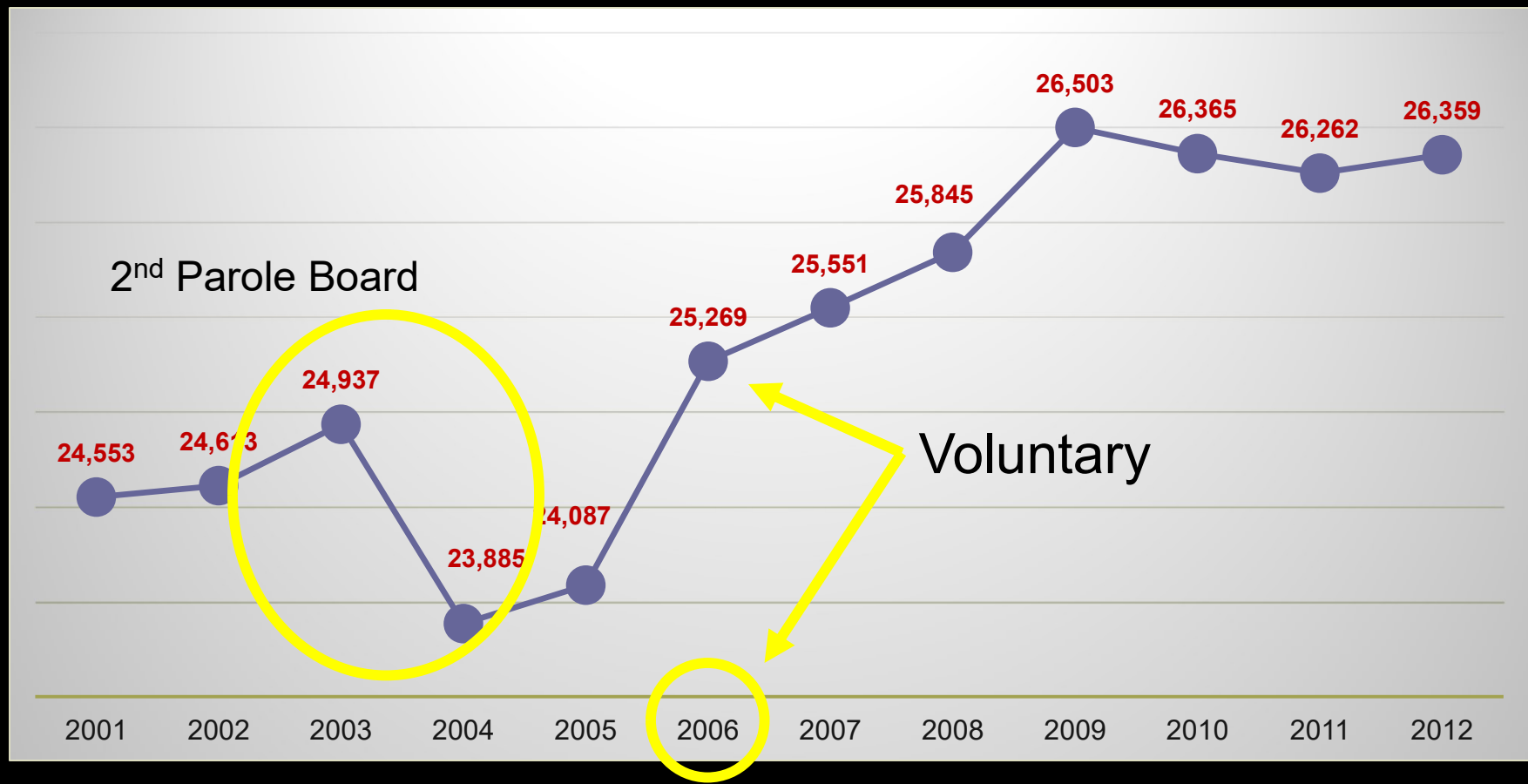
■ 1981 6,300

■ 1989 12,400

Alabama Prison Population 1991 - 2000



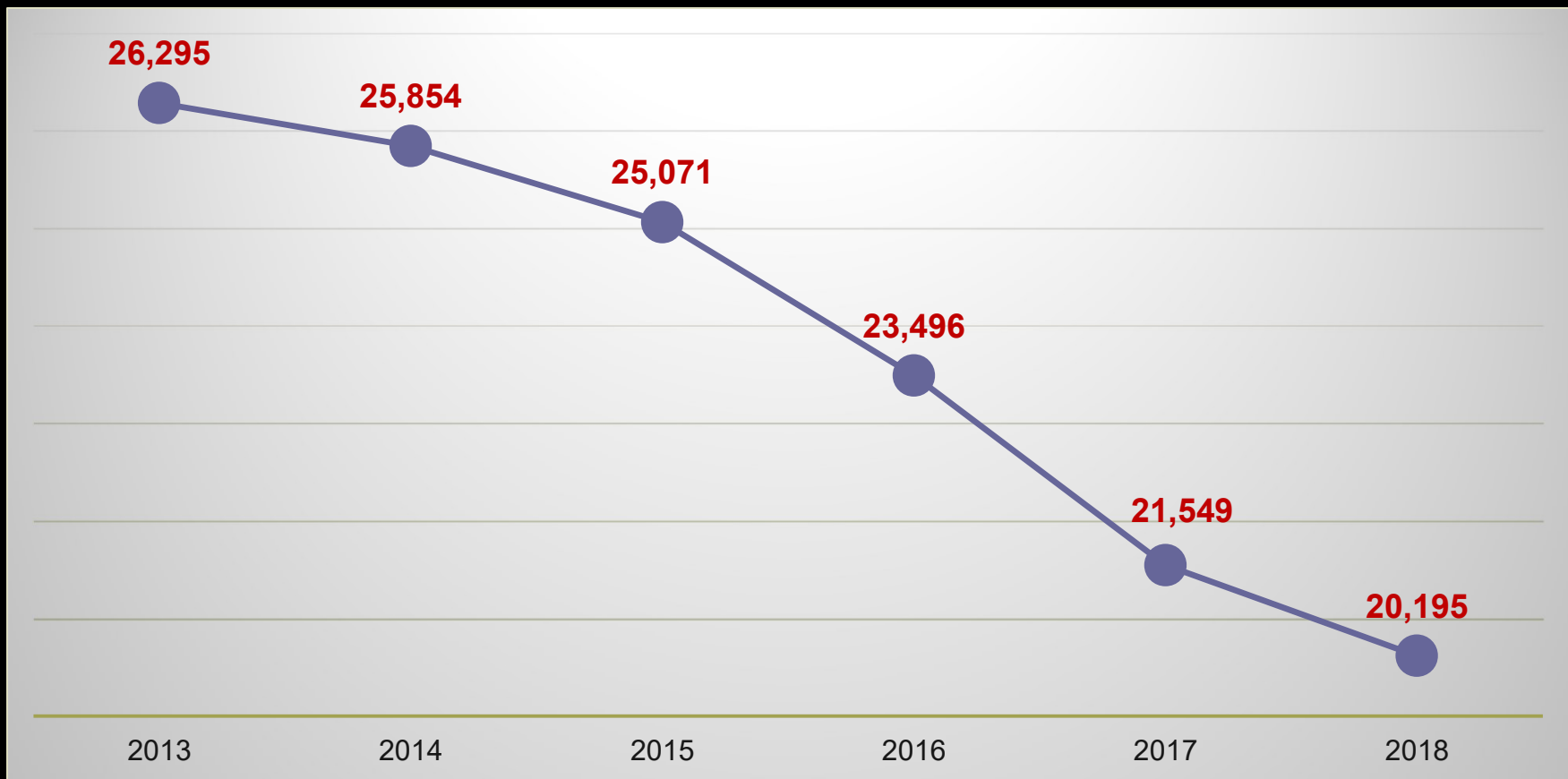
Alabama Prison Population 2001 - 2012



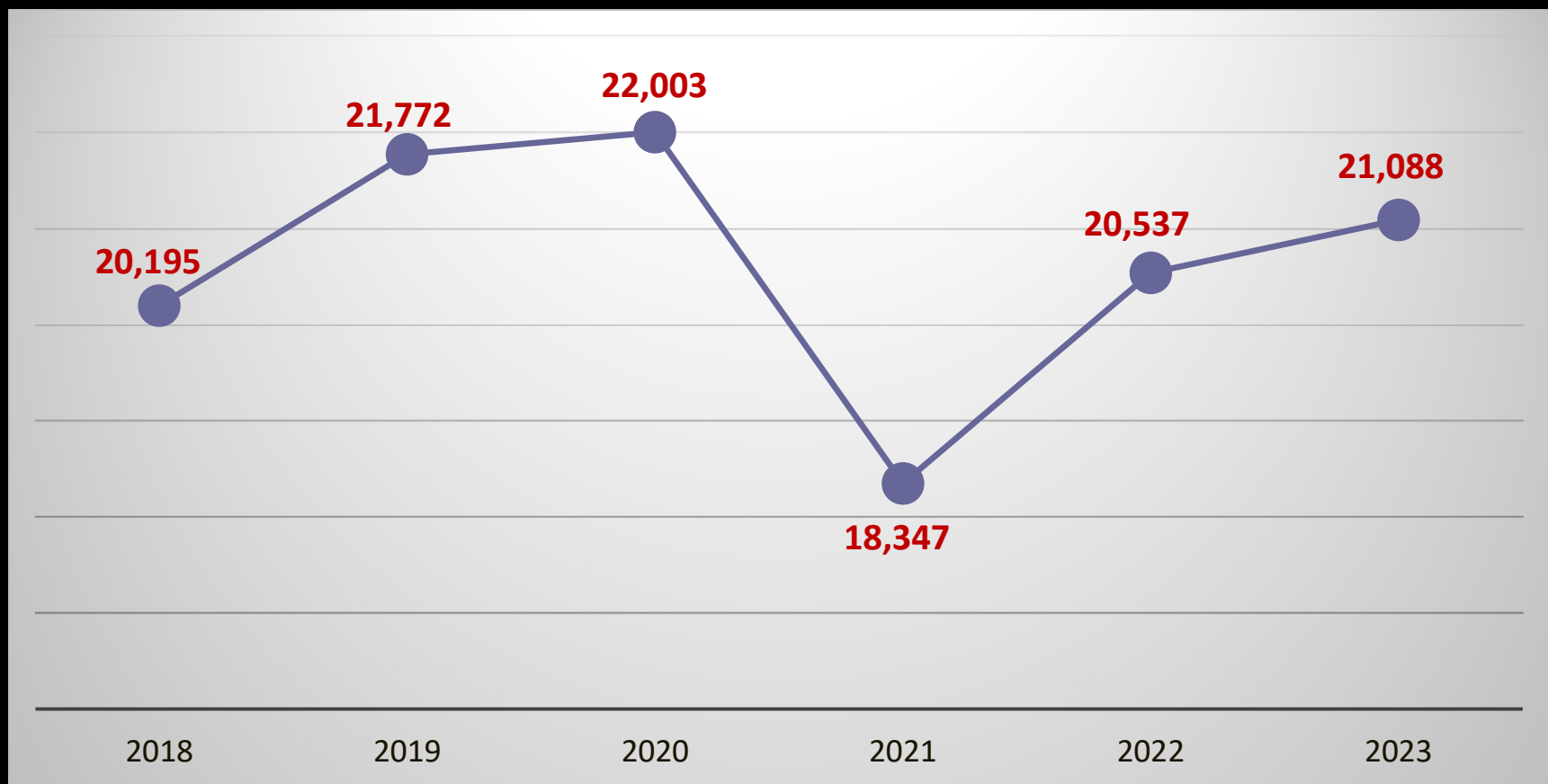
2013
Presumptive Sentencing
Standards Legislation

2016
Justice Reinvestment
Legislation

Alabama Prison Population 2013 - 2018



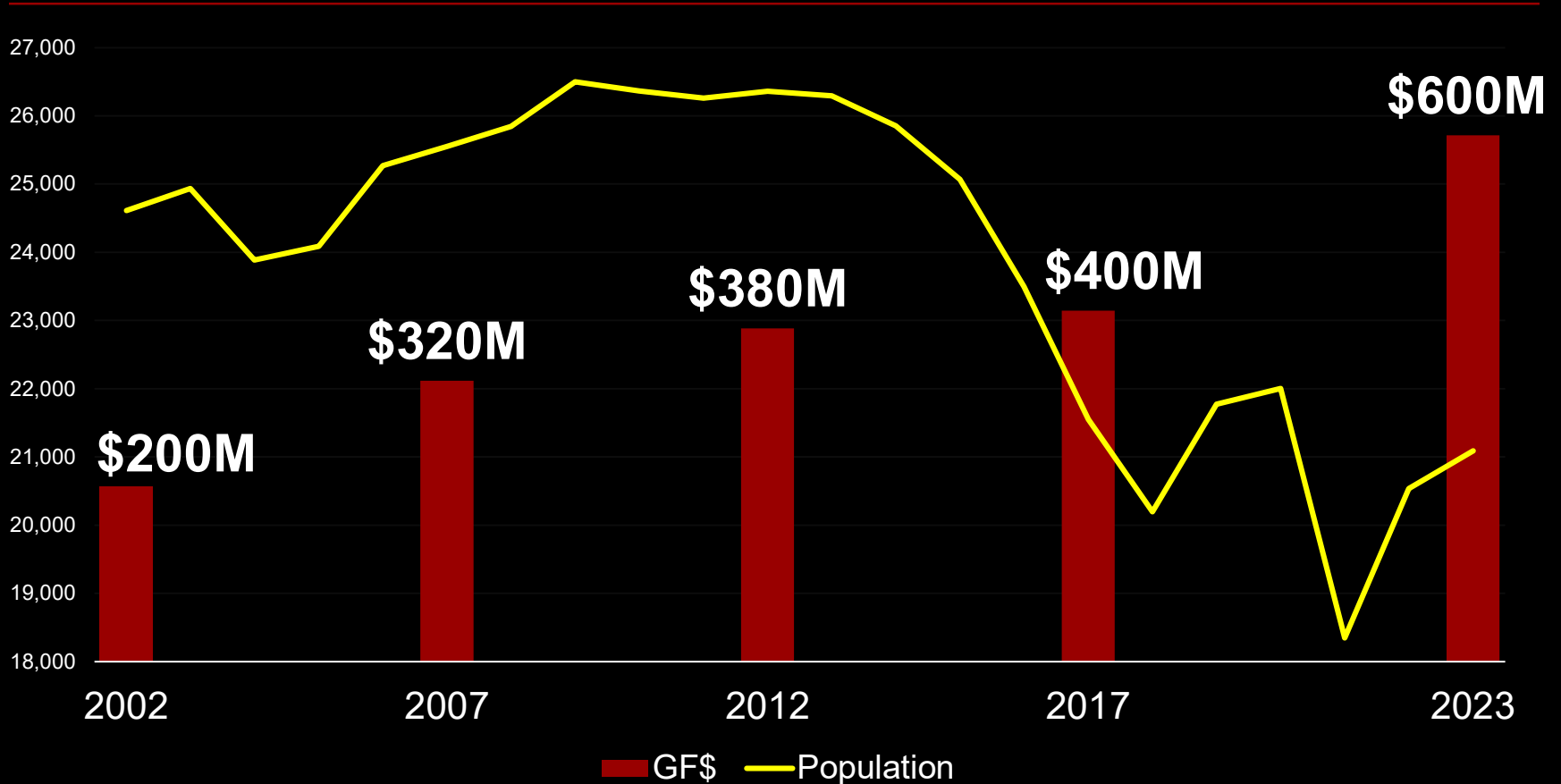
Alabama Prison Population 2018 - 2023



Alabama Prison Population 1990 - 2023



ADOC Population and General Fund \$\$



Prison Population Size

- There are **only** two factors that determine the size of the prison population, but both are nuanced and often controversial
 - The number of people sentenced to prison
 - The length of time people serve in prison

Act 2023-461

- Inchoate Offense Clean-up
- § 13A-5-6 Changes
- § 15-18-8 Changes
- Probation Revocation Changes
- Sentencing Standards Changes
- Effective Date and Important Dates

Act 2023-461

Inchoate Offense Clean-up

- Class D Felony if the offense solicited, attempted, or if an object of the conspiracy is a *Class C Felony*
- Class A Misdemeanor if the offense solicited, attempted, or if an object of the conspiracy is a *Class D Felony*

Act 2023-461

§ 13A-5-6 Changes

- (a)(3) For a Class C felony, not more than 10 years or less than 1 one year and 1 one day ~~and must be in accordance with subsection (b) of Section 15-18-8 unless sentencing is pursuant to Section 13A-5-9 or the offense is a sex offense pursuant to Section 15-20A-5.~~
- (a)(4) For a Class D felony, not more than 5 five years or less than 1 one year and 1 one day ~~and must be in accordance with subsection (b) of Section 15-18-8.~~

Act 2023-461

§ 15-18-8 Changes

- Class A-D Felonies with sentences ≤ 15 years.... up to a **3-year split**
- Class A-C Felonies with sentences > 15 years & ≤ 20 years.....
3 - 5 year split

Act 2023-461

§ 15-18-8 Changes (cont.)

- Predicate criminal history restricting the use of jail and prison for Class D felony convictions has been **removed**

Act 2023-461

Probation Revocation Changes

§ 15-22-54 (e)(1)(b)

If the probation violation was for being arrested or convicted of a new offense, ~~or~~ absconding, or failing to successfully complete a court supervised, evidence-based treatment program, as defined in Section 12-25-32, a court ordered faith-based program, or any other court ordered rehabilitative program, the court may revoke probation and require the probationer to serve the balance of the term for which he or she was originally sentenced, or any portion thereof, in a state prison facility, calculated from the date of his or her rearrest as a delinquent probationer.

Act 2023-461

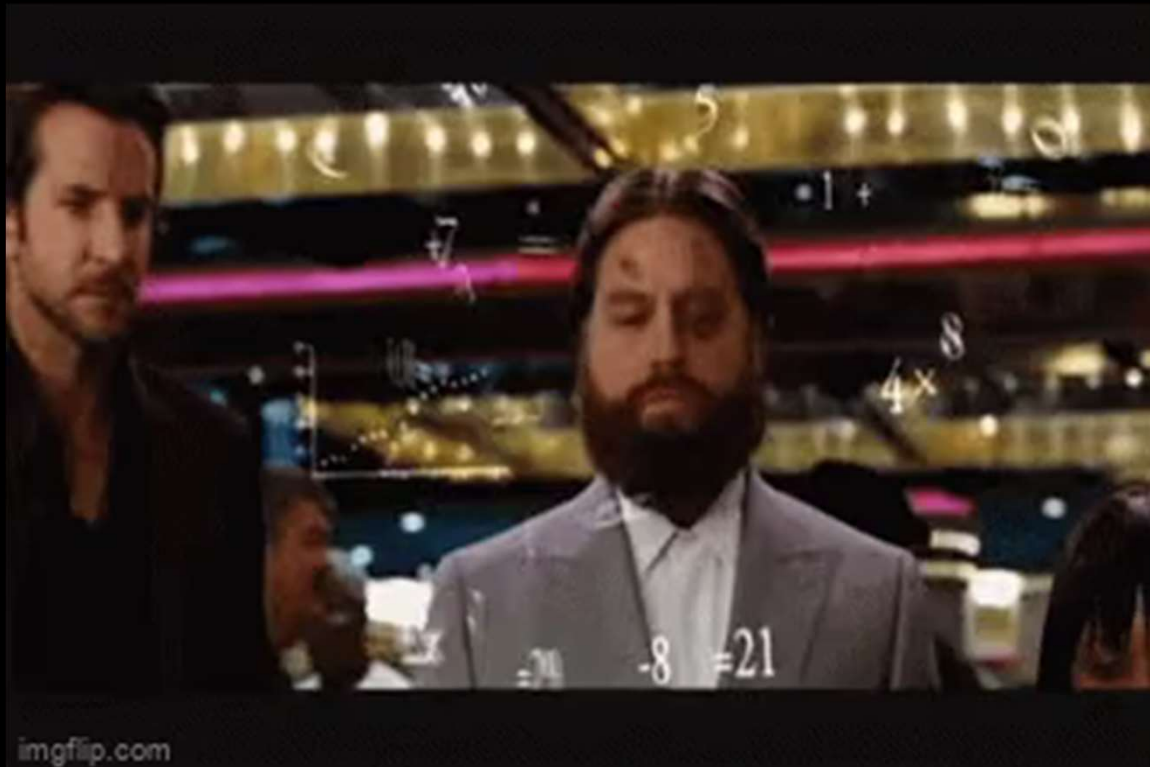
Sentencing Standards Changes

§ 12-25-34.2 (b)(2)

“The Alabama Sentencing Commission shall immediately adopt modifications to the standards, worksheets, and instructions to the extent necessary to implement this act.

The amendatory provisions of this act shall supersede any standards, worksheets, and instructions of the commission that are in conflict with these amendatory provisions.”

Amendatory Provisions and Conflict of Act 2023-461



Act 2023-461

Effective Date

“Section 3.

This act shall become effective on July 1, 2023, following its passage and approval by the Governor, or its otherwise becoming law.”

- What does this mean?

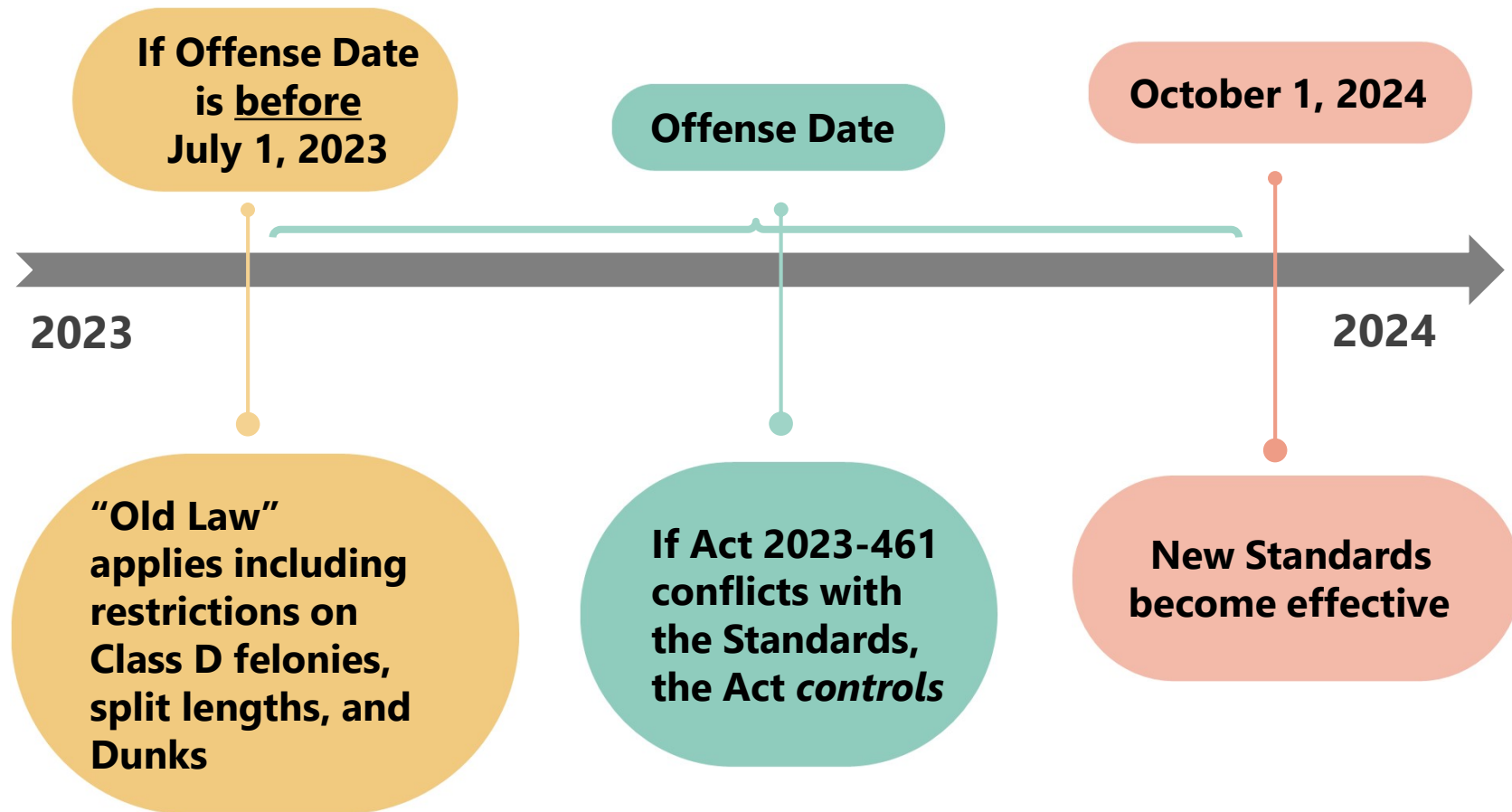
Act 2023-461

Important Date

- Effective Date = July 1, 2023
- Offense Date *Controls*

Act 2023-461

Important Dates



Good Time Example for 10-Year Sentence Receiving Maximum Good Time (No Jail Credit)

■ Old CIT Law

- 10 years = EOS approx. 3 years 2 months
- Initial Parole Consideration Date = 1 year 8 months
- Mandatory Supervised Release = 2 years 2 months

■ New CIT Law

- 10 years = EOS approx. 5 years 7 months
- Initial Parole Consideration Date = approx. 4 years 1 month
- Mandatory Supervised Release = ??

Good Time Example for 10-Year Sentence NOT Receiving Maximum Good Time (No Jail Credit)

- **Old CIT Law** (except assault w/perm loss and sex abuse of child < 17)
 - 10 years = EOS approx. 3 years 2 months
 - Initial Parole Consideration Date = 1 year 8 months
 - Mandatory Supervised Release = 2 years 2 months
- **New CIT Law**
 - 10 years = EOS approx. 7 years
 - Initial Parole Consideration Date = approx. 5 years 6 months
 - Mandatory Supervised Release = ??

Good Time Example for 15-Year Sentence Receiving Maximum Good Time (No Jail Credit)

■ Old CIT Law

- 15 years = EOS approx. 4 years 8 months
- Initial Parole Consideration Date = 2 years 2 months
- Mandatory Supervised Release = 3 years 8 months

■ New CIT Law

- 15 years = EOS approx. 8 years 2 months
- Initial Parole Consideration Date = approx. 5 years 8 months
- Mandatory Supervised Release = ??

Good Time Example for 15-Year Sentence NOT Receiving Maximum Good Time (No Jail Credit)

- **Old CIT Law** (except assault w/perm loss and sex abuse of child < 17)
 - 15 years = EOS approx. 4 years 8 months
 - Initial Parole Consideration Date = 2 years 2 months
 - Mandatory Supervised Release = 3 years 8 months
- **New CIT Law**
 - 15 years = EOS approx. 12 years
 - Initial Parole Consideration Date = approx. 9 years 6 months
 - Mandatory Supervised Release = ??

§ 14-9-41(g)(1)

For prisoners receiving correctional incentive time, the term of supervision required pursuant to Section 15-22-26.2, shall not further reduce the term of imprisonment except where the minimum required term of supervision would exceed the correctional incentive time accrued.

Contact Information

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