

I. GENERAL INSTRUCTIONS - Introduction

The Voluntary Sentencing Standards and Worksheets – A Structured Sentencing System

The Voluntary Sentencing Standards are:

- Voluntary and non-appealable;
- Developed by judges, prosecutors, defense lawyers, victim advocates, and other criminal justice officials in response to the legislative directive to recommend a more structured sentencing system in Alabama to address unwarranted disparity and prison overcrowding (reserving scarce prison resources for the most dangerous and violent offenders); § 12-25-2, Code of Alabama 1975.
- Created from historical sentencing data, reflecting the major factors considered in making sentencing decisions and the importance of those factors to each other;
- Include the historical application of Alabama’s statutory sentence enhancements and mandatory minimums, except the sentences of life without parole and the new child sexual offender laws;
- Designed to mimic the two decisions in criminal sentencing – where and how the sentence is served, prison or non-prison (disposition), and the length of the sentence (duration).
- Expected to be followed in 75% of the covered cases, leaving flexibility with judges to sentence higher or lower as appropriate in approximately 25% of the covered cases; and
- Designed to shorten sentence length recommendations for in non-violent cases

to alleviate overcrowding and to make room for violent offenders.

In addition, the Standards and Worksheets

- Cover the 26 most frequently sentenced offenses and 87% of sentenced cases;
- Standardize sentence recommendations for more informed and uniform sentencing practices and the elimination of unwarranted disparity;
- Allow judges to retain discretion in arriving at sentencing decisions;
- Encourage the use of probation and community correction programs for non-violent offenders;
- Make all mandatory minimums and sentence enhancements (except life without parole, and the child sex offender amendments) discretionary; and
- Address overcrowding by providing a mechanism for changing sentence recommendations to meet economic reality while preserving public safety.

The Voluntary Sentencing Standards consist of three sets of worksheets and prison sentence length tables that divide the covered offenses into three offense types designated property, drug, and personal offenses.

The property, drug, and personal offense types each contain an In/Out worksheet that recommends a sentence disposition and a Prison Sentence Length worksheet that recommends a sentence length range.

Each type of worksheet relies on a sentence length table from which a sentence range is recommended based on Prison Sentence Length Worksheet score.