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ADMINISTRATIVE REGULATION

OPR: CLASSIFICATION/
CENTRAL RECORDS

NUMBER 428

NOTIFICATION TO THE COURT – SPLIT SENTENCE

I. GENERAL

This Alabama Department of Corrections (ADOC) Administrative Regulation (AR) establishes responsibilities, policies, and procedures for notifying the sentencing court when inmates who are serving a split-sentence in an ADOC institution receive a sanction for violation of prison rules or are convicted in a court of law for additional offense(s).

II. POLICY

It is the policy of the ADOC to notify the sentencing court, in writing, when an inmate who is serving a split-sentence has been found guilty of the following:

- A. Violating institutional rules under the provisions of AR 403, *Procedures for Inmate Rule Violations*.
- B. When official notification is received by the ADOC that said individual has been convicted in court for any offense while incarcerated in an ADOC institution.

III. DEFINITION(S) AND ACRONYM(S)

- A. AIS: Alabama Inmate Serial Number
- B. EOS: End of Sentence
- C. Split sentence: A sentence in which the convicted serves only a portion of the sentence incarcerated and is placed on probation with the remainder of the sentence suspended; the judge keeps jurisdiction over the convicted and

may change the sentence at any time. If the convicted violates the terms of probation, the judge may revoke the probation and impose any portion of the suspended sentence.

IV. RESPONSIBILITIES

- A. The Warden/Designee is responsible for:
 - 1. Developing their institutional Standard Operating Procedures (SOPs) as necessary for the implementation of this AR.
 - 2. Notifying the sentencing court having jurisdiction over an inmate serving a split-sentence in writing no later than ten (10) days following the approval of a disciplinary action for the inmate violating institutional rules under provisions of AR 403, *Procedures for Inmate Rule Violations*.
 - 3. Advising the sentencing court of any changes in the information furnished by the ADOC as a result of withdrawal, modification, expungement, or other changes in the disciplinary proceeding.
- B. The Director of Central Records is responsible for processing court-ordered changes to inmate sentences and adjusting release dates, as appropriate.
- C. The Classification Supervisor is responsible for ensuring that placement and program needs are reviewed as a result of any changes to the inmate's sentence.

V. PROCEDURES

- A. The Warden having custody of the inmate at the time the disciplinary violation occurs will notify the sentencing court(s), in writing, of such disciplinary violation within ten (10) working days following the approval of the disciplinary.
- B. At a minimum, written notification to the sentencing courts will contain all of the following:
 - 1. Inmate's name, AIS number, and current facility.
 - 2. Sentencing Judge on split-sentence, if name is available.
 - 3. Case number(s) and conviction(s) of split-sentence(s).
 - 4. Other conviction(s) and length of sentence(s).

5. Earliest release date.
 6. Reason for disciplinary to include date, place of violation(s), charge(s), sanctions imposed, and other significant information.
 7. A request to the Judge to notify, in writing, the Director of Central Records, 301 S. Ripley Street, Montgomery, AL, 36130, should an inmate's sentence be revised as a result of this notification.
- C. The original notification (required in the preceding paragraph) will be addressed to the court where the inmate was sentenced to a split-sentence. Separate notifications will be provided to each sentencing court when the individual has more than one split-sentence. A copy of each notification will be placed in the inmate's electronic record.
- D. When an amended transcript is received from the court, the Director of Central Records will ensure that timely action is taken to adjust the inmate's file and compute new release dates, if necessary. When appropriate, a revised Inmate Summary should be furnished to the inmate.

VI. DISPOSITION

Any forms used will be disposed of and retained according to the Departmental Records Disposition Authority (RDA).

VII. FORMS

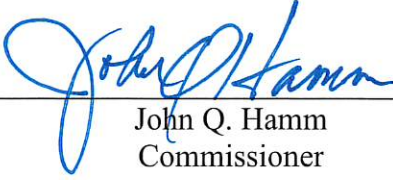
There are no forms prescribed in this regulation.

VIII. SUPERSEDES

This Administrative Regulation supersedes AR 428, *Notification to the Court – Split Sentence (Act 754)*, dated March 16, 2006 and any changes.

IX. PERFORMANCE

- A. Code of Alabama 1975 Section 15-18-8.
- B. AR 403, *Procedures for Inmate Rule Violations*.
- C. Alabama Department of Corrections Men's Services Classification Manual.
- D. Alabama Department of Corrections Women's Services Classification Manual.



John Q. Hamm
Commissioner