

The Drug offenses listed below are covered by the Sentencing Standards subject to Presumptive Sentencing Recommendations.

Most Serious Offense at Conviction Ranking

Felony DUI
§ 32-5a-191(h)

Manufacturing Controlled Substance 1st
§ 13A-12-218
(includes attempts, conspiracies, and solicitations)

Manufacturing Controlled Substance 2nd
§ 13A-12-217
(includes attempts, conspiracies, and solicitations)

Possession of Controlled Substance
§ 13A-12-212
(includes attempts, conspiracies, and solicitations)

Possession of Marihuana 1st
§ 13A-12-213(a)(1)&(2)
(includes attempts, conspiracies, and solicitations)

Possession with Intent to Distribute Controlled Substance
§ 13A-12-211(c)
(includes attempts, conspiracies, and solicitations)

Sale/Distribution of Marihuana
(other than to minor)
§ 13A-12-211
(includes attempts, conspiracies, and solicitations)

Sale/Distribution of Schedule I-V
(other than to minor)
§ 13A-12-211
(includes attempts, conspiracies, and solicitations)

INSTRUCTIONS - - Drug Prison In/Out Worksheets⁵

1. Case Information Section

Complete prior to sentencing. See the General Instructions to complete this section.

2. Sentencing Factors Section

Complete prior to sentencing.

3. Most Serious Conviction Offense - Following the general instructions, the preparer should select only the most serious offense being sentenced at the current sentencing event. Where two or more offenses have the same score, circle the specific offense scored as the most serious conviction offense on this worksheet. The preparer should enter the number of points assigned to the most serious offense.

4. Number of Prior Adult Felony Convictions - Count all felony convictions that occurred prior to the arrest date(s) of the offense(s) being sentenced at the current sentencing event.

5. Number of Prior Adult Convictions for Misdemeanors or Violations - Count all criminal convictions for misdemeanor offenses or violations that occurred prior to the arrest date(s) of the offense(s) being sentenced at the current sentencing event. Only include the serious traffic offenses of (1) DUI, (2) BUI, (3) Leaving the Scene of an Accident, (4) Attempting to Elude, (5) Driving without a License or (6) Driving while License is Suspended or Revoked.

6. Prior Incarceration with Unsuspended Sentence Imposed of 1 Year or More - Count prior prison, jail, Department of Corrections/community corrections, and YO or Juvenile Delinquency sentences where the non-suspended time imposed was one year or greater. Count only sentences that occurred prior to the arrest date(s) of the offense(s) being sentenced at the current sentencing event.

7. Prior Felony Probation or Parole Revocation - Count probation or parole revocations that occurred prior to the arrest date(s) of the offense(s) being sentenced at the current sentencing event. Only *felony* probation revocations should be scored. The imposition of intermediate sanctions (pursuant to § 15-22-29, § 15-22-32, § 15-22-52, and § 15-22-54) in response to a probation/parole violation to include periods of confinement in jail or prison should not be counted.

8. Number of Prior Juvenile Delinquency or Youthful Offender Adjudications - Count all juvenile delinquency and Youthful Offender adjudications that occurred prior to the arrest date(s) of the offense(s) being sentenced at the current sentencing event. *Note: use the definition for misdemeanors or violations as set out in factor #5.*

9. Possession/Use of a Deadly Weapon or Dangerous Instrument - Count this factor if there was a connection (other than the mere possession of a weapon) between the presence of a deadly weapon or dangerous instrument and the commission of any offense(s) being sentenced at the current sentencing event. This factor should not be counted if the deadly weapon or dangerous instrument is merely “loot” or proceeds of a sale. For the purpose of completing the worksheets, a deadly weapon or dangerous instrument shall be defined pursuant to Sections 13A-1-2 and 13A-11-72.

10. Total Score - Total the scores from the Sentencing Factors Section.

⁵ Includes both the Drug (Class A, B, C) and Drug (Class D) Worksheets.

Presumptive Disposition**11. Non-Prison: 1-7 Points**

Circle “non-prison” as the presumptive disposition.

12. Prison: 8 or more points

Circle “prison” as the presumptive disposition.

After sentencing, the completed worksheet must be filed with the court clerk and made a part of the record. The court clerk shall forward to the Alabama Sentencing Commission a copy of this worksheet and the Drug Sentence Length worksheet, along with a copy of the Court’s final Sentencing Order after grant or denial of probation.

Departure Sentences

If the presumptive disposition is not followed, refer to the General Instructions III for procedures relating to departure sentences and requiring the finding of aggravating and/or mitigating circumstances.

INSTRUCTIONS - - Drug Sentence Length Worksheets⁶

1. Case Information Section

Enter the Defendant's name and Case Number even if it has already been entered on the In/Out worksheet.

2. Sentencing Factors Section

Complete prior to sentencing.

3. Most Serious Conviction Offense – Following the general instructions, the preparer should select only the most serious offense being sentenced at the current sentencing event. Where two or more offenses have the same score, circle the specific offense scored as the most serious conviction offense on this worksheet. The preparer should enter the number of points assigned to the most serious offense.

4. Number of Additional Felony Convictions (Including Counts) - The preparer should total all offenses being sentenced other than the most serious offense being sentenced at the present time. In the event of a multi-count indictment, all counts in which the defendant was found guilty or entered a guilty plea should be counted the same as separate convictions.

5. Number of Prior Adult Felony Convictions - Count all felony convictions that occurred prior to the arrest date(s) of the offense(s) being sentenced at the current sentencing event.

6. Number of Prior Adult Felony Class C & Class D Convictions - Count only the number of Class C and Class D felony convictions that occurred prior to the arrest date(s) of the offense(s) being sentenced at the current sentencing event.

7. Prior Incarceration with Unsuspended Sentence Imposed of 1 Year or More - Count prior prison, jail, Department of Corrections/community corrections, and YO or Juvenile Delinquency sentences where the non-suspended time imposed was one year or greater. Count only sentences that occurred prior to the arrest date(s) of the offense(s) being sentenced at the current sentencing event.

8. Total Score – Total the scores from the Sentencing Factors Section.

9. Presumptive Sentence Range - Go to the Drug Sentence Length Ranges for Worksheet Table to convert the score into a presumptive sentence length. Record the presumptive sentence ranges for the total sentence and split sentence in the spaces identified as “straight” and “split”. The sentence for the most serious offense must come from these presumptive ranges to comport with the standards. Statutory enhancements, as they have been applied, have been factored into the sentence length table and should *not* be added.

10. Judge's Signature or Initials

After the sentencing worksheets are completed and sentence has been imposed, the sentencing judge should sign or initial the worksheet to identify and acknowledge the worksheet has been reviewed and was considered prior to sentencing.

After sentencing, the completed worksheet must be filed with the court clerk and made a part of the record. The court clerk shall forward to the Alabama Sentencing Commission a copy of this worksheet and the Prison In/Out worksheet, along with a copy of the Court's final Sentencing Order after grant or denial of probation.

⁶ Includes both the Drug (Class A, B, C) and Drug (Class D) Sentence Length Worksheets.

Departure Sentences

If the presumptive sentence length is not followed, refer to the General Instructions III for procedures relating to departure sentences and requiring the finding of aggravating and/or mitigating circumstances.