

1 HB175  
2 136189-2  
3 By Representative Payne  
4 RFD: Judiciary  
5 First Read: 07-FEB-12

1 ENGROSSED

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4 A BILL  
5 TO BE ENTITLED  
6 AN ACT  
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8 To amend Section 15-19-1 of the Code of Alabama  
9 1975, relating to a person charged with crimes committed in  
10 their minority who are eligible to be considered by the court  
11 for youthful offender status, to provide notice to the victim  
12 prior to a hearing when a defendant is charged with a crime  
13 which alleges that the defendant intentionally inflicted  
14 serious physical injury or intentionally killed the victim of  
15 the crime; and to provide for an evidentiary hearing on the  
16 allegations of the crime and the extent of injuries of the  
17 victim.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. Section 15-19-1 of the Code of Alabama  
20 1975, is amended to read as follows:

21 "§15-19-1.

22 "(a) A person charged with a crime which was  
23 committed in his or her minority but was not disposed of in  
24 juvenile court and which involves moral turpitude or is  
25 subject to a sentence of commitment for one year or more  
26 shall, and, if charged with a lesser crime may be investigated  
27 and examined by the court to determine whether he or she

1 should be tried as a youthful offender, provided he or she  
2 consents to such examination and to trial without a jury where  
3 trial by jury would otherwise be available to ~~him~~ the  
4 defendant. If the defendant consents and the court so decides,  
5 no further action shall be taken on the indictment or  
6 information unless otherwise ordered by the court as provided  
7 in subsection (b) ~~of this section~~.

8 "(b) After such investigation and examination, the  
9 court, in its discretion, may direct that the defendant be  
10 arraigned as a youthful offender, and no further action shall  
11 be taken on the indictment or information; or the court may  
12 decide that the defendant shall not be arraigned as a youthful  
13 offender, whereupon the indictment or information shall be  
14 deemed filed.

15 "(c) In addition to the provisions of subsections  
16 (a) and (b), when the defendant is charged with a crime that  
17 contains as an element of the crime or an allegation related  
18 to the charge that the defendant intentionally inflicted  
19 serious physical injury or intentionally killed the victim in  
20 the commission of the crime, prior to conducting a hearing or  
21 examination on whether the defendant will be arraigned as a  
22 youthful offender, the court shall give notice at least 10  
23 days prior to the hearing to the victim and at least one  
24 member of the victim's immediate family if the victim is under  
25 21 years of age or deceased or hospitalized. In addition, the  
26 youthful offender. The victim shall receive notice 10 days  
27 prior to the hearing pursuant to the provisions of the Crime

1 Victims' Rights Act. In addition, the court shall conduct an  
2 evidentiary hearing on the allegations of the crime and the  
3 extent of injuries of the victim and shall consider the  
4 evidence prior to determining youthful offender status. The  
5 failure to provide a right, privilege, or notice to a victim  
6 under this subsection shall not be grounds for the defendant  
7 to seek to have the disposition of the case set aside."

8           Section 2. This act shall become effective on the  
9 first day of the third month following its passage and  
10 approval by the Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-ferred to the House of Representatives committee on Judiciary ..... 07-FEB-12

Read for the second time and placed on the calendar 1 amendment ..... 23-FEB-12

Read for the third time and passed as amended..... 06-MAR-12

Yeas 97, Nays 1, Abstains 0

Greg Pappas  
Clerk