

1 SB266
2 136189-3
3 By Senator Holley
4 RFD: Judiciary
5 First Read: 09-FEB-12

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. Section 15-19-1 of the Code of Alabama
23 1975, is amended to read as follows:

24 "§15-19-1.

25 "(a) A person charged with a crime which was
26 committed in his or her minority but was not disposed of in

1 juvenile court and which involves moral turpitude or is
2 subject to a sentence of commitment for one year or more
3 shall, and, if charged with a lesser crime may be investigated
4 and examined by the court to determine whether he or she
5 should be tried as a youthful offender, provided he or she
6 consents to such examination and to trial without a jury where
7 trial by jury would otherwise be available to ~~him~~ the
8 defendant. If the defendant consents and the court so decides,
9 no further action shall be taken on the indictment or
10 information unless otherwise ordered by the court as provided
11 in subsection (b) ~~of this section~~.

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

19 "(c) In addition to the provisions of subsections
20 (a) and (b), when the defendant is charged with a crime that
21 contains as an element of the crime or an allegation related
22 to the charge that the defendant intentionally inflicted
23 serious physical injury or intentionally killed the victim in
24 the commission of the crime, prior to conducting a hearing or
25 examination on whether the defendant will be arraigned as a
26 youthful offender, the victim shall receive notice 10 days

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

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

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Senate

Read for the first time and referred to the Senate committee on Judiciary.....	09-FEB-12
Read for the second time and placed on the calen- dar 2 amendments.....	01-MAR-12
Read for the third time and passed as amended	10-APR-12

Yeas 33
Nays 0

Patrick Harris
Secretary