

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

1 SB266

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4 ENROLLED, An Act,

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

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. Section 15-19-1 of the Code of Alabama
17 1975, is amended to read as follows:

18 "§15-19-1.

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

1 consents to such examination and to trial without a jury where
2 trial by jury would otherwise be available to the defendant.
3 If the defendant consents and the court so decides, no further
4 action shall be taken on the indictment or information unless
5 otherwise ordered by the court as provided in subsection (b).

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

13 "(c) In addition to the provisions of subsections
14 (a) and (b), when the defendant is charged with a crime that
15 contains as an element of the crime or an allegation related
16 to the charge that the defendant intentionally inflicted
17 serious physical injury or intentionally killed the victim in
18 the commission of the crime, prior to conducting a hearing or
19 examination on whether the defendant will be arraigned as a
20 youthful offender, the victim shall receive notice 10 days
21 prior to the hearing pursuant to the provisions of the Crime
22 Victims' Rights Act. In addition, the court shall conduct an
23 evidentiary hearing on the allegations of the crime and the
24 extent of injuries of the victim and shall consider the
25 evidence prior to determining youthful offender status. The

1 failure to provide a right, privilege, or notice to a victim
2 under this subsection shall not be grounds for the defendant
3 or victim to seek to have the disposition of the case set
4 aside."

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

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB266

Senate 10-APR-12

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris
Secretary

House of Representatives
Passed: 10-MAY-12

By: Senator Holley