

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

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8 SYNOPSIS: Under existing law, a defendant charged
9 with a crime committed during his or her minority
10 which involves moral turpitude or is a felony is
11 required to be investigated and examined by the
12 court to determine if he or she should be granted
13 youthful offender status.

14 This bill would provide that if the crime
15 the defendant is charged with contains as an
16 element of the charge that the defendant
17 intentionally inflicted serious physical injury or
18 intentionally killed the victim in the commission
19 of the crime, prior to the court conducting a
20 hearing or examination on whether the defendant
21 should be granted youthful offender status, the
22 victim or the victim's family would be required to
23 be notified of the hearing. In addition, the court
24 would be required to conduct an evidentiary hearing
25 on the allegations of the crime and the extent of
26 injuries of the victim.

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

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

17 Section 1. Section 15-19-1 of the Code of Alabama
18 1975, is amended to read as follows:

19 "§15-19-1.

20 "(a) A person charged with a crime which was
21 committed in his or her minority but was not disposed of in
22 juvenile court and which involves moral turpitude or is
23 subject to a sentence of commitment for one year or more
24 shall, and, if charged with a lesser crime may be investigated
25 and examined by the court to determine whether he or she
26 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 ~~him~~ the
3 defendant. If the defendant consents and the court so decides,
4 no further action shall be taken on the indictment or
5 information unless otherwise ordered by the court as provided
6 in subsection (b) ~~of this section~~.

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

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

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