

1 HB379  
2 197459-5  
3 By Representative Hurst  
4 RFD: Judiciary  
5 First Read: 09-APR-19

1 ENGROSSED

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4 A BILL  
5 TO BE ENTITLED  
6 AN ACT  
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8 Relating to sex offenses; to provide chemical  
9 castration treatment conditions for the parole of persons  
10 convicted of a sex offense under certain conditions; to  
11 require the Department of Public Health to administer the  
12 treatment; and to require the cost of the treatment to be paid  
13 for by the offender, with exception.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. (a) As used in this act, the following  
16 terms shall have the following meanings:

17 (1) CHEMICAL CASTRATION TREATMENT. The receiving of  
18 medication, including, but not limited to, medroxyprogesterone  
19 acetate treatment or its chemical equivalent, that, among  
20 other things, reduces, inhibits, or blocks the production of  
21 testosterone, hormones, or other chemicals in a person's body.

22 (2) SEX OFFENSE INVOLVING A PERSON UNDER THE AGE OF  
23 13 YEARS. A sex offense, as described in Section 15-20A-5,  
24 Code of Alabama 1975, that is committed against a person who  
25 has not attained the age of 13 years.

26 (b) Subject to Section 15-22-27.3, Code of Alabama  
27 1975, as a condition of parole, a court shall order a person

1 convicted of a sex offense involving a person under the age of  
2 13 years to undergo chemical castration treatment, in addition  
3 to any other punishment prescribed for that offense or any  
4 other provision of law.

5 (c) A person required to undergo chemical castration  
6 treatment shall begin the treatment not less than one month  
7 prior to his or her release from custody of the Department of  
8 Corrections and shall continue receiving treatment until the  
9 court determines the treatment is no longer necessary. The  
10 treatment shall be administered by the Department of Public  
11 Health.

12 (d) (1) The parolee shall pay for all of the costs  
13 associated with the chemical castration treatment. The cost of  
14 the treatment shall be in addition to any court costs;  
15 assessments for crime victim's compensation fund; Department  
16 of Forensic Sciences assessments; drug, alcohol, or anger  
17 management treatments required by law; restitution; or costs  
18 of supervision of the treatment. A person may not be denied  
19 parole based solely on his or her inability to pay for the  
20 costs associated with the treatment required under this act.

21 (2) If a person required to receive chemical  
22 castration treatment under this act, upon application, claims  
23 indigency, he or she shall be brought before a court of  
24 competent jurisdiction for a determination of indigency. In  
25 the event that a court determines the offender to be indigent,  
26 any fees or costs shall not be waived or remitted unless the  
27 person proves to the reasonable satisfaction of the court that

1 the person is not capable of paying the fees or costs within  
2 the reasonably foreseeable future. In the event the offender  
3 is determined to be indigent, a periodic review of the  
4 offender's indigent status may be conducted by the court upon  
5 motion of the district attorney to determine if the offender  
6 is no longer indigent.

7 (e) In addition to any condition of parole under  
8 subsection (b), as a condition of parole, a parolee released  
9 on parole under this act shall authorize the Department of  
10 Public Health to share with the Board of Pardons and Paroles  
11 all medical records relating to the parolee's chemical  
12 castration treatment. A parolee may elect to stop receiving  
13 the treatment at any time and may not be forced to receive the  
14 treatment; provided, such refusal shall constitute a violation  
15 of his or her parole and he or she shall be immediately  
16 remanded to the custody of the Department of Corrections for  
17 the remainder of the sentence from which he or she was  
18 paroled.

19 (f) Prior to the administration of any chemical  
20 castration treatment, ~~a medical professional~~ the court shall  
21 inform the parolee about the effect of the treatment and any  
22 side effects that may result from it. The parolee shall sign a  
23 written acknowledgment of receipt of the information.

24 (g) Only a bona fide employee of the Alabama  
25 Department of Public Health may administer the treatment.

1                   ~~(g)~~ (h) A parolee who intentionally stops receiving  
2 the treatment required under this Act shall be guilty of a  
3 Class C felony.

4                   Section 2. This act shall become effective on the  
5 first day of the third month following its passage and  
6 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 Representa-  
tives committee on Judiciary ..... 09-APR-19

Read for the second time and placed  
on the calendar 2 amendments ..... 08-MAY-19

Read for the third time and passed  
as amended..... 21-MAY-19

Yeas 72, Nays 16, Abstains 11

Jeff Woodard  
Clerk