

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

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8 SYNOPSIS: Under existing law, certain criminal
9 offenses are classified as sex offenses. A
10 conviction for a sex offense against a person under
11 the age of 12 years is a sex offense involving a
12 child.

13 Under existing law, a person convicted of a
14 sex offense involving a child which constitutes a
15 Class A or B felony is not eligible for parole.

16 This bill would provide that a person
17 convicted of a sex offense involving a person under
18 the age of 13 years who is eligible for parole, as
19 a condition of parole, shall be required to undergo
20 chemical castration treatment in addition to any
21 other penalty or condition prescribed by law.

22 This bill would require the Department of
23 Public Health to administer any treatment given.

24 This bill would require the parolee to pay
25 for the cost of the treatment; provided, the bill
26 would prohibit a person from being denied parole
27 because of indigency.

1 This bill would also provide that if a
2 person is ordered to undergo chemical castration
3 treatment as a condition of parole and the person
4 refuses to undergo the treatment, his or her
5 refusal would constitute a violation of parole and
6 would result in the person being remanded to the
7 custody of the Department of Corrections.

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9 A BILL
10 TO BE ENTITLED
11 AN ACT

12
13 Relating to sex offenses; to provide chemical
14 castration treatment conditions for the parole of persons
15 convicted of a sex offense under certain conditions; to
16 require the Department of Public Health to administer the
17 treatment; and to require the cost of the treatment to be paid
18 for by the offender, with exception.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

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

5 (b) Subject to Section 15-22-27.3, Code of Alabama
6 1975, as a condition of parole, a court shall order a person
7 convicted of a sex offense involving a person under the age of
8 13 years to undergo chemical castration treatment, in addition
9 to any other punishment prescribed for that offense or any
10 other provision of law.

11 (c) A person required to undergo chemical castration
12 treatment shall begin the treatment not less than one month
13 prior to his or her release from custody of the Department of
14 Corrections and shall continue receiving treatment until the
15 court determines the treatment is no longer necessary. The
16 treatment shall be administered by the Department of Public
17 Health.

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

1 (2) If a person required to receive chemical
2 castration treatment under this act, upon application, claims
3 indigency, he or she shall be brought before a court of
4 competent jurisdiction for a determination of indigency. In
5 the event that a court determines the offender to be indigent,
6 any fees or costs shall not be waived or remitted unless the
7 person proves to the reasonable satisfaction of the court that
8 the person is not capable of paying the fees or costs within
9 the reasonably foreseeable future. In the event the offender
10 is determined to be indigent, a periodic review of the
11 offender's indigent status may be conducted by the court upon
12 motion of the district attorney to determine if the offender
13 is no longer indigent.

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

26 (f) Prior to the administration of any chemical
27 castration treatment, a medical professional shall inform the

1 parolee about the effect of the treatment and any side effects
2 that may result from it. The parolee shall sign a written
3 acknowledgment of receipt of the information.

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.