

# HB436 INTRODUCED



1 CZ52QQ-1

2 By Representatives Tillman, Ensler, Travis, Starnes, Kirkland,

3 Moore (M), Givan, Sellers, England, Rafferty, McClammy, Gray,

4 Bracy

5 RFD: Judiciary

6 First Read: 04-May-23

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8 2023 Regular Session



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SYNOPSIS:

Under existing law, a person charged with a crime that is committed while he or she is under 19 years of age, may be tried as a youthful offender.

This bill would specify the age at which a person may be tried as a youthful offender.

A BILL  
TO BE ENTITLED  
AN ACT

Relating to criminal procedure; to amend Section 15-19-1, Code of Alabama 1975, to specify the age at which a person may be tried as a youthful offender.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§15-19-1

(a) A person charged as an adult with a crime ~~which that~~ was committed ~~in his or her minority but was not disposed of in juvenile court~~ prior to the person reaching 22 years of age and ~~which that~~ involves moral turpitude or is subject to a sentence of commitment for one year or more shall, and, if charged with a lesser crime may be investigated and examined by the court to determine whether he or she should be tried as



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29 a youthful offender, provided he or she consents to such  
30 examination and to trial without a jury where trial by jury  
31 would otherwise be available to the defendant. If the  
32 defendant consents and the court so decides, no further action  
33 shall be taken on the indictment or information unless  
34 otherwise ordered by the court as provided in subsection (b).

35 (b) After such investigation and examination, the  
36 court, in its discretion, may direct that the defendant be  
37 arraigned as a youthful offender, and no further action shall  
38 be taken on the indictment or information; or the court may  
39 decide that the defendant shall not be arraigned as a youthful  
40 offender, whereupon the indictment or information shall be  
41 deemed filed.

42 (c) In addition to the provisions of subsections (a)  
43 and (b), when the defendant is charged with a crime that  
44 contains as an element of the crime or an allegation related  
45 to the charge that the defendant intentionally inflicted  
46 serious physical injury or intentionally killed the victim in  
47 the commission of the crime, prior to conducting a hearing or  
48 examination on whether the defendant will be arraigned as a  
49 youthful offender, the victim shall receive notice 10 days  
50 prior to the hearing pursuant to ~~the provisions of~~ the Crime  
51 Victims' Rights Act. In addition, the court shall conduct an  
52 evidentiary hearing on the allegations of the crime and the  
53 extent of injuries of the victim and shall consider the  
54 evidence prior to determining youthful offender status. The  
55 failure to provide a right, privilege, or notice to a victim  
56 under this subsection shall not be grounds for the defendant



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57 or victim to seek to have the disposition of the case set  
58 aside."

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