

HB157 INTRODUCED



1 HB157
2 OYZHCG-1
3 By Representative Pettus
4 RFD: Judiciary
5 First Read: 08-Feb-24



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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 prohibit a judge from granting youthful offender status to a person who is 16 years of age or older and charged with murder.

A BILL
TO BE ENTITLED
AN ACT

Relating to criminal procedure; to amend Section 15-19-1, Code of Alabama 1975, to prohibit a judge from granting youthful offender status to a person who is 16 years of age or older and charged with murder.

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) Except as provided in subsection (c), a ~~A~~ person charged with a crime ~~which~~that was committed in his or her minority but was not disposed of in juvenile court and ~~which~~that involves moral turpitude or is subject to a sentence



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29 of commitment for one year or more shall be, and, if charged
30 with a lesser crime, may be investigated and examined by the
31 court to determine whether he or she should be tried as a
32 youthful offender, provided he or she consents to ~~such~~the
33 examination and to trial without a jury where trial by jury
34 would otherwise be available to the defendant. If the
35 defendant consents and the court so decides, no further action
36 shall be taken on the indictment or information unless
37 otherwise ordered by the court as provided in subsection (b).

38 (b) After ~~such~~the investigation and examination, the
39 court, ~~in its discretion,~~ may ~~direct~~ order either of the
40 following:

41 (1) ~~that~~That the defendant be arraigned as a youthful
42 offender, and no further action shall be taken on the
43 indictment or information; ~~or the court may decide.~~

44 (2) ~~that~~That the defendant ~~shall~~ not be arraigned as a
45 youthful offender, ~~whereupon~~ and the indictment or information
46 shall be deemed filed.

47 (c) A person who is 16 years of age or older and
48 charged with murder pursuant to §13A-6-2 may not be tried as a
49 youthful offender pursuant to subsection (a).

50 ~~(c)~~ (d) (1) ~~In addition to the provisions of subsections~~
51 ~~(a) and (b), when~~ When the defendant is charged with a crime
52 that contains as an element of the crime or an allegation
53 related to the charge that the defendant intentionally
54 inflicted serious physical injury or intentionally killed the
55 victim in the commission of the crime, prior to conducting a
56 hearing or examination on whether the defendant will be



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57 arraigned as a youthful offender, the victim shall receive
58 notice 10 days prior to the hearing pursuant to the provisions
59 of the Crime Victims' Rights Act.

60 (2) ~~In addition, the~~ The court shall conduct an
61 evidentiary hearing on the allegations of the crime and the
62 extent of injuries of the victim and shall consider the
63 evidence prior to determining youthful offender status.

64 (3) The failure to provide a right, privilege, or
65 notice to a victim under this subsection shall not be grounds
66 for the defendant or victim to seek to have the disposition of
67 the case set aside."

68 Section 2. This act shall become effective on October
69 1, 2024.