



**House Public Safety and Homeland Security Reported
Substitute for HB146**

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 an individual who is 16 years of age or older and charged with capital murder or 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), an individual ~~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 of commitment for one year or more shall be, and, if charged with a lesser crime, may be investigated and examined by the court. ~~to~~ The court shall determine whether he or she should be tried as a youthful offender, provided he or she consents to ~~such~~ the examination and to trial without a jury where trial by jury would otherwise be available to the defendant. If the defendant consents and the court so decides,



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no further action shall be taken on the indictment or information unless otherwise ordered by the court as provided in subsection (b).

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

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

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

(c) An individual who has attained the age 16 years of age or older at the time of the offense and who is charged with capital murder pursuant to Section 13A-5-40 or murder pursuant to Section 13A-6-2 may not be tried as a youthful offender pursuant to subsection (a) but shall be charged, arrested, and tried as an adult.

(d) (1) ~~In addition to the provisions of subsections (a) and (b), when~~ When the defendant is charged with a crime that contains as an element of the crime or an allegation related to the charge that the defendant intentionally inflicted serious physical injury or intentionally killed the victim in the commission of the crime, prior to conducting a hearing or examination on whether the defendant will be arraigned as a youthful offender, the victim shall receive notice 10 days prior to the hearing pursuant to the provisions of the Crime Victims' Rights Act, 18 U.S.C. § 3771.



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

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

Section 2. This act shall become effective on October 1, 2025.