

# HB133 INTRODUCED



1 HB133  
2 1BTT3L3-1  
3 By Representative Ingram  
4 RFD: Public Safety and Homeland Security  
5 First Read: 04-Feb-25



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SYNOPSIS:

Under existing law, a judge or a juvenile intake officer may impose restrictions on an allegedly delinquent child released from custody.

This bill would authorize the Board of Pardons and Paroles or any other state agency to provide electronic monitoring of an allegedly delinquent child released in certain circumstances.

A BILL  
TO BE ENTITLED  
AN ACT

Relating to the Board of Pardons and Paroles; to amend Section 12-15-128, Code of Alabama 1975, to authorize the Board of Pardons and Paroles or other state agency to provide electronic monitoring to children in certain circumstances.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 12-15-128, Code of Alabama 1975, is amended to read as follows:

"§12-15-128

(a) An allegedly delinquent child, dependent child, or child in need of supervision lawfully taken into custody shall immediately be released, upon the ascertainment of the



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29 necessary facts, to the care, custody, and control of the  
30 parent, legal guardian, or legal custodian of the child or  
31 other suitable ~~person~~ individual able to provide supervision  
32 and care for the child, unless the juvenile court or juvenile  
33 court intake officer, subject to the limitations in Section  
34 12-15-208, finds any of the following:

35 (1) The child has no parent, legal guardian, legal  
36 custodian, or other suitable ~~person~~ individual able to provide  
37 supervision and care for the child.

38 (2) The release of the child would present a clear and  
39 substantial threat of a serious nature to the ~~person~~  
40 individual or property of others and where the child is  
41 alleged to be delinquent.

42 (3) The release of the child would present a serious  
43 threat of substantial harm to the child.

44 (4) The child has a history of failing to appear for  
45 hearings before the juvenile court.

46 (5) The child is alleged to be delinquent for  
47 possessing a pistol, short-barreled rifle, or short-barreled  
48 shotgun, in which case the child may be detained in a juvenile  
49 detention facility until the hearing required by Section  
50 12-15-207. Pistol as used in this section shall be as defined  
51 in ~~subdivision (1) of~~ Section 13A-11-70. Short-barreled rifle  
52 and short-barreled shotgun as used in this section shall be as  
53 defined in Section 13A-11-62.

54 (b) The criteria for continuing the allegedly  
55 delinquent child or child in need of supervision in detention  
56 or shelter or other care, or for continuing the allegedly



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57 dependent child in shelter or other care, as ~~set forth~~  
58 provided in subsection (a) shall govern the decisions of all  
59 persons involved in determining whether the continued  
60 detention or shelter care is warranted pending juvenile court  
61 disposition and those criteria shall be supported by clear and  
62 convincing evidence in support of the decision not to release  
63 the child.

64 (c) (1) In releasing a child, a juvenile court or the  
65 juvenile court intake officer may impose restrictions on the  
66 travel, association, or place of abode of the child or place  
67 the child under the supervision of a department, agency, or  
68 organization agreeing to supervise him or her, and may place  
69 the child under supervision such as electronic or telephone  
70 monitoring, if available. A child, once placed in detention,  
71 may also be released pursuant to the same conditions should  
72 there be a need to release the child from a juvenile detention  
73 facility because of an overcrowded population.

74 (2) The Board of Pardons and Paroles or any other  
75 department or state agency may provide electronic monitoring  
76 services as provided in subdivision (1)."

77 Section 2. This act shall become effective on October  
78 1, 2025.