

HB146 ENGROSSED



1 HB146

2 CXXVIWW-2

3 By Representatives Pettus, Kirkland

4 RFD: Public Safety and Homeland Security

5 First Read: 04-Feb-25



HB146 Engrossed

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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. This act shall be known and may be cited as Jolee's Law.

Section 2. 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~~ prior to the individual reaching 21 years of
age 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~~



HB146 Engrossed

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

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

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

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

43 (c) An individual who has attained the age 16 years of
44 age or older at the time of the offense and who is charged
45 with capital murder pursuant to Section 13A-5-40 or murder
46 pursuant to Section 13A-6-2(a)(1) may not be tried as a
47 youthful offender pursuant to subsection (a) but shall be
48 charged, arrested, and tried as an adult.

49 (d) (1) ~~In addition to the provisions of subsections (a)~~
50 ~~and (b), when~~ When the defendant is charged with a crime that
51 contains as an element of the crime or an allegation related
52 to the charge that the defendant intentionally inflicted
53 serious physical injury or intentionally killed the victim in
54 the commission of the crime, prior to conducting a hearing or
55 examination on whether the defendant will be arraigned as a
56 youthful offender, the victim shall receive notice 10 days



HB146 Engrossed

57 prior to the hearing pursuant to the provisions of the Crime
58 Victims' Rights Act, 18 U.S.C. § 3771.

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

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

67 Section 3. This act shall become effective on October
68 1, 2025.



HB146 Engrossed

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House of Representatives

Read for the first time and referred04-Feb-25
to the House of Representatives
committee on Public Safety and
Homeland Security
Read for the second time and placed27-Feb-25
on the calendar:
1 amendment
Read for the third time and passed04-Mar-25
as amended
Yeas 67
Nays 33
Abstains 2

John Treadwell
Clerk