

HB146 INTRODUCED



1 HB146

2 IU3EZZZ-1

3 By Representatives Pettus, Kirkland

4 RFD: Public Safety and Homeland Security

5 First Read: 04-Feb-25



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SYNOPSIS:

Under existing law, an individual 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 an individual 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 an individual 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), 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



HB146 INTRODUCED

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

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

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

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

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

53 (d) (1) ~~In addition to the provisions of subsections (a)~~
54 ~~and (b), when~~ When the defendant is charged with a crime that
55 contains as an element of the crime or an allegation related
56 to the charge that the defendant intentionally inflicted



HB146 INTRODUCED

57 serious physical injury or intentionally killed the victim in
58 the commission of the crime, prior to conducting a hearing or
59 examination on whether the defendant will be arraigned as a
60 youthful offender, the victim shall receive notice 10 days
61 prior to the hearing pursuant to the provisions of the Crime
62 Victims' Rights Act, [18 U.S.C. § 3771](#).

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

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

71 Section 2. This act shall become effective on October
72 1, 2025.