- 1 HB139
- 2 125641-2
- 3 By Representative Payne
- 4 RFD: Judiciary
- 5 First Read: 03-MAR-11

1	<u>ENGROSSED</u>
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4	A BILL
5	TO BE ENTITLED
6	AN ACT
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8	To amend Section 15-19-1 of the Code of Alabama
9	1975, relating to a person charged with crimes committed in
10	their minority who are eligible to be considered by the court
11	for youthful offender status, to provide that a person charged
12	with a crime which alleges that the defendant intentionally
13	inflicted serious physical injury or intentionally killed the
14	victim of the crime would not be eligible for youthful
15	offender status.
16	BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
17	Section 1. Section 15-19-1 of the Code of Alabama
18	1975, is amended to read as follows:
19	" §15-19-1.
20	"(a) A person charged with a crime which was
21	committed in his or her minority but was not disposed of in
22	juvenile court and which involves moral turpitude or is
23	subject to a sentence of commitment for one year or more
24	shall, and, if charged with a lesser crime may be investigated
25	and examined by the court to determine whether he or she
26	should be tried as a youthful offender, provided he or she
27	consents to such examination and to trial without a jury where

trial by jury would otherwise be available to him the

defendant. If the defendant consents and the court so decides,

no further action shall be taken on the indictment or

information unless otherwise ordered by the court as provided

in subsection (b) of this section.

"(b) After such investigation and examination, the court, in its discretion, may direct that the defendant be arraigned as a youthful offender, and no further action shall be taken on the indictment or information; or the court may decide that the defendant shall not be arraigned as a youthful offender, whereupon the indictment or information shall be deemed filed.

"(c) Notwithstanding the provisions of subsections

(a) and (b), a person may not be granted youthful offender

status and arraigned as a youthful offender if the person is

charged with a crime which 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 intentionally caused any

victim to receive a serious physical injury or die in the

commission of the crime."

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

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3	House of Representatives
4 5 6	Read for the first time and re- ferred to the House of Representa- tives committee on Judiciary 03-MAR-11
7 8 9	Read for the second time and placed on the calendar 1 amendment 31-MAR-11
10 11 12 13	Read for the third time and passed as amended 24-MAY-11 Yeas 92, Nays 7, Abstains 1
14 15 16	Greg Pappas Clerk