

1 SB9
2 179011-2
3 By Senator Brewbaker
4 RFD: Judiciary
5 First Read: 07-FEB-17
6 PFD: 10/05/2016

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8 SYNOPSIS: Under existing law, a child who is age 16 or
9 over and otherwise subject to the jurisdiction of
10 the juvenile court who is charged with certain acts
11 which if charged as an adult would be serious
12 felony offenses is not subject to the jurisdiction
13 of the juvenile court, but charged as an adult.
14 Also, under existing law, any child age 14 or over
15 may be subject to transfer from the juvenile court
16 to adult court under certain conditions.

17 This bill would repeal the provision
18 described above relating to the automatic charging
19 of 16 year old children as adults. This would
20 result in a child age 16 or older formerly charged
21 as an adult for certain designated offenses being
22 subject to the initial jurisdiction of the juvenile
23 court. The bill would also provide that existing
24 provisions relating to the continuing jurisdiction
25 of the criminal courts for defendants convicted
26 before the repeal would remain in place.
27

1 A BILL
2 TO BE ENTITLED
3 AN ACT
4

5 To amend Section 12-15-204 of the Code of Alabama
6 1975, relating to the jurisdiction of the juvenile court; to
7 repeal certain provisions requiring persons age 16 or over and
8 charged with certain serious offenses to be charged, arrested,
9 and tried as adults; and to provide for certain transitional
10 provisions.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12 Section 1. Section 12-15-204 of the Code of Alabama
13 1975, is amended to read as follows:

14 "§12-15-204.

15 ~~"(a) Notwithstanding any other provision of law, any~~
16 ~~person who has attained the age of 16 years at the time of the~~
17 ~~conduct charged and who is charged with the commission of any~~
18 ~~act or conduct, which if committed by an adult would~~
19 ~~constitute any of the following, shall not be subject to the~~
20 ~~jurisdiction of juvenile court but shall be charged, arrested,~~
21 ~~and tried as an adult:~~

22 ~~"(1) A capital offense.~~

23 ~~"(2) A Class A felony.~~

24 ~~"(3) A felony which has as an element thereof the~~
25 ~~use of a deadly weapon.~~

26 ~~"(4) A felony which has as an element thereof the~~
27 ~~causing of death or serious physical injury.~~

1 ~~"(5) A felony which has as an element thereof the~~
2 ~~use of a dangerous instrument against any person who is one of~~
3 ~~the following:~~

4 ~~"a. A law enforcement officer or official.~~

5 ~~"b. A correctional officer or official.~~

6 ~~"c. A parole or probation officer or official.~~

7 ~~"d. A juvenile court probation officer or official.~~

8 ~~"e. A district attorney or other prosecuting officer~~
9 ~~or official.~~

10 ~~"f. A judge or judicial official.~~

11 ~~"g. A court officer or official.~~

12 ~~"h. A person who is a grand juror, juror, or witness~~
13 ~~in any legal proceeding of whatever nature when the offense~~
14 ~~stems from, is caused by, or is related to the role of the~~
15 ~~person as a juror, grand juror, or witness.~~

16 ~~"i. A teacher, principal, or employee of the public~~
17 ~~education system of Alabama.~~

18 ~~"(6) Trafficking in drugs in violation of Section~~
19 ~~13A-12-231, or as the same may be amended.~~

20 ~~"(7) Any lesser included offense of the above~~
21 ~~offenses charged or any lesser felony offense charged arising~~
22 ~~from the same facts and circumstances and committed at the~~
23 ~~same time as the offenses listed above. Provided, however,~~
24 ~~that the juvenile court shall maintain original jurisdiction~~
25 ~~over these lesser included offenses if the grand jury fails to~~
26 ~~indict for any of the offenses enumerated in subsections~~
27 ~~(a)(1) to (a)(6), inclusive. The juvenile court shall also~~

1 ~~maintain original jurisdiction over these lesser included~~
2 ~~offenses, subject to double jeopardy limitations, if the court~~
3 ~~handling criminal offenses dismisses all charges for offenses~~
4 ~~enumerated in subsections (a) (1) to (a) (6), inclusive.~~

5 ~~"(b) Notwithstanding any other provision of law, any~~
6 ~~person who has been convicted or adjudicated a youthful~~
7 ~~offender in a court handling criminal offenses pursuant to the~~
8 ~~provisions of subsection (a) of this section as it existed~~
9 ~~prior to the repeal of subsection (a) by the act adding this~~
10 ~~language shall not thereafter be subject to the jurisdiction~~
11 ~~of juvenile court for any pending or subsequent offense.~~

12 ~~Provided, however, pursuant to Section 12-15-117, the juvenile~~
13 ~~court shall retain jurisdiction over an individual of any age~~
14 ~~for the enforcement of any prior orders of the juvenile court~~
15 ~~requiring the payment of fines, court costs, restitution, or~~
16 ~~other money ordered by the juvenile court until paid in full.~~

17 ~~"(c) This section shall apply to all cases in which~~
18 ~~the alleged criminal conduct occurred after April 14, 1994.~~
19 ~~All conduct occurring before April 14, 1994, shall be governed~~
20 ~~by pre-existing law."~~

21 ~~Section 2. This act shall apply to all cases in~~
22 ~~which the alleged criminal conduct occurred after the~~
23 ~~effective date of this act.~~

24 ~~Section 3. This act shall become effective on the~~
25 ~~first day of the third month following its passage and~~
26 ~~approval by the Governor, or its otherwise becoming law.~~