

1 SB108
2 173052-1
3 By Senator Whatley
4 RFD: Judiciary
5 First Read: 02-FEB-16

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8 SYNOPSIS: Under existing law, a person charged with a
9 crime that is committed when he or she is under the
10 age of 19 may be charged as a youthful offender.

11 This bill would change the threshold age of
12 a youthful offender.

13 This bill would specify that a judge may use
14 his or her discretion in determining whether to
15 consider a prior adjudication as a youthful
16 offender of a person who subsequently commits
17 another crime.

18 This bill would also expunge the record of a
19 youthful offender.
20

21 A BILL
22 TO BE ENTITLED
23 AN ACT

24
25 Relating to youthful offenders; to amend Sections
26 15-19-1 and 15-19-7, as amended by Act 2015-463, Code of
27 Alabama 1975; to change the threshold age of a youthful

1 offender; to specify that a judge may use his or her
2 discretion in determining whether to consider a prior
3 adjudication as a youthful offender of a person who
4 subsequently commits another crime; and to expunge the record
5 of a youthful offender.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. Sections 15-19-1 and 15-19-7, as amended
8 by Act 2015-463, Code of Alabama 1975, are amended to read as
9 follows:

10 "§15-19-1.

11 "(a) A person charged with a crime which was
12 committed ~~in his or her minority~~ when he or she was under the
13 age of 23, or if he or she was a full-time student at the
14 time, under the age of 25, but was not disposed of in juvenile
15 court and which involves moral turpitude or is subject to a
16 sentence of commitment for one year or more shall, and, if
17 charged with a lesser crime may be investigated and examined
18 by the court to determine whether he or she should be tried as
19 a youthful offender, provided he or she consents to such
20 examination and to trial without a jury where trial by jury
21 would otherwise be available to the defendant. If the
22 defendant consents and the court so decides, no further action
23 shall be taken on the indictment or information unless
24 otherwise ordered by the court as provided in subsection (b).
25 Nothing in this chapter shall affect the authority of the
26 court to grant youthful offender status to a defendant who was
27 granted youthful offender status in any prior case.

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

8 "(c) In addition to the provisions of subsections
9 (a) and (b), when the defendant is charged with a crime that
10 contains as an element of the crime or an allegation related
11 to the charge that the defendant intentionally inflicted
12 serious physical injury or intentionally killed the victim in
13 the commission of the crime, prior to conducting a hearing or
14 examination on whether the defendant will be arraigned as a
15 youthful offender, the victim shall receive notice 10 days
16 prior to the hearing pursuant to the provisions of the Crime
17 Victims' Rights Act. In addition, the court shall conduct an
18 evidentiary hearing on the allegations of the crime and the
19 extent of injuries of the victim and shall consider the
20 evidence prior to determining youthful offender status. The
21 failure to provide a right, privilege, or notice to a victim
22 under this subsection shall not be grounds for the defendant
23 or victim to seek to have the disposition of the case set
24 aside.

25 "§15-19-7.

26 "(a) No determination made under the provisions of
27 this chapter shall disqualify any youth for public office or

1 public employment, operate as a forfeiture of any right or
2 privilege or make him ineligible to receive any license
3 granted by public authority, and such determination shall not
4 be deemed a conviction of crime; provided, however, that if he
5 is subsequently convicted of crime, the prior adjudication as
6 youthful offender ~~shall~~ may be considered.

7 (b) The fingerprints and photographs and other
8 records of a person adjudged a youthful offender shall not be
9 open to public inspection unless the person adjudged a
10 youthful offender is treated as an adult sex offender
11 according to Section 15-20A-35; ~~provided, however, that the~~
12 ~~court may, in its discretion, permit the inspection of papers~~
13 ~~or records.~~

14 (c) ~~Prosecutors representing the State of Alabama~~
15 ~~shall have access to fingerprints, photographs, and other~~
16 ~~records of a person adjudged a youthful offender contained in~~
17 ~~the court file regardless of the jurisdiction from which the~~
18 ~~file originates.~~ Upon completion of any sentence and
19 probation, including the payment of any court ordered monies,
20 the criminal record of a youthful offender shall be expunged,
21 unless the youthful offender is treated as an adult sex
22 offender according to Section 15-20A-35, in which case the
23 criminal record may be expunged at the discretion of the
24 court.

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

