HB157

0YZHCG-1

By Representative Pettus

RFD: Judiciary

First Read: 08-Feb-24

SYNOPSIS:

Under existing law, a person 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 a person 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 a person 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), a ~~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 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 determine whether he or she should be tried as a youthful offender, provided he or she consents to ~~such~~the examination and to trial without a jury where trial by jury would otherwise be available to 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).

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

(1) ~~that~~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~~.

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

(c) A person who is 16 years of age or older and charged with murder pursuant to §13A-6-2 may not be tried as a youthful offender pursuant to subsection (a).

~~(c)~~(d)(1) ~~In addition to the provisions of subsections (a) and (b), when~~ When the defendant is charged with a crime that 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 in the commission of the crime, prior to conducting a hearing or examination on whether the defendant will be

arraigned as a youthful offender, the victim shall receive notice 10 days prior to the hearing pursuant to the provisions of the Crime Victims' Rights Act.

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

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

Section 2. This act shall become effective on October 1, 2024.