

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

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8 SYNOPSIS: Under existing law, a person charged with a
9 crime committed during his or her minority which
10 involves moral turpitude or is a felony is required
11 to be investigated and examined by the court to
12 determine if he or she should be granted youthful
13 offender status.

14 This bill would provide that a person would
15 not be eligible to be granted youthful offender
16 status if the crime the person is charged with
17 contains as an element of the charge that the
18 defendant intentionally inflicted serious physical
19 injury or intentionally killed the victim in the
20 commission of the crime.

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22 A BILL
23 TO BE ENTITLED
24 AN ACT

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26 To amend Section 15-19-1 of the Code of Alabama
27 1975, relating to a person charged with crimes committed in

1 their minority who are eligible to be considered by the court
2 for youthful offender status, to provide that a person charged
3 with a crime which alleges that the defendant intentionally
4 inflicted serious physical injury or intentionally killed the
5 victim of the crime would not be eligible for youthful
6 offender status.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8 Section 1. Section 15-19-1 of the Code of Alabama
9 1975, is amended to read as follows:

10 "§15-19-1.

11 "(a) A person charged with a crime which was
12 committed in his or her minority but was not disposed of in
13 juvenile court and which involves moral turpitude or is
14 subject to a sentence of commitment for one year or more
15 shall, and, if charged with a lesser crime may be investigated
16 and examined by the court to determine whether he or she
17 should be tried as a youthful offender, provided he or she
18 consents to such examination and to trial without a jury where
19 trial by jury would otherwise be available to ~~him~~ the
20 defendant. If the defendant consents and the court so decides,
21 no further action shall be taken on the indictment or
22 information unless otherwise ordered by the court as provided
23 in subsection (b) ~~of this section~~.

24 "(b) After such investigation and examination, the
25 court, in its discretion, may direct that the defendant be
26 arraigned as a youthful offender, and no further action shall
27 be taken on the indictment or information; or the court may

1 decide that the defendant shall not be arraigned as a youthful
2 offender, whereupon the indictment or information shall be
3 deemed filed.

4 "(c) Notwithstanding the provisions of subsections
5 (a) and (b), a person may not be granted youthful offender
6 status and arraigned as a youthful offender if the person is
7 charged with a crime which contains as an element of the crime
8 or an allegation related to the charge that the defendant
9 intentionally inflicted serious physical injury or
10 intentionally killed the victim in the commission of the
11 crime."

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