

1 HB175
2 136189-1
3 By Representative Payne
4 RFD: Judiciary
5 First Read: 07-FEB-12

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8 SYNOPSIS: Under existing law, a defendant charged with
9 a 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 if the crime
15 the defendant is charged with contains as an
16 element of the charge that the defendant
17 intentionally inflicted serious physical injury or
18 intentionally killed the victim in the commission
19 of the crime, prior to the court conducting a
20 hearing or examination on whether the defendant
21 should be granted youthful offender status, the
22 victim or the victim's family would be required to
23 be notified of the hearing. In addition, the court
24 would be required to conduct an evidentiary hearing
25 on the allegations of the crime and the extent of
26 injuries of the victim.

1 A BILL
2 TO BE ENTITLED
3 AN ACT
4

5 To amend Section 15-19-1 of the Code of Alabama
6 1975, relating to a person charged with crimes committed in
7 their minority who are eligible to be considered by the court
8 for youthful offender status, to provide notice to the victim
9 prior to a hearing when a defendant is charged with a crime
10 which alleges that the defendant intentionally inflicted
11 serious physical injury or intentionally killed the victim of
12 the crime; and to provide for an evidentiary hearing on the
13 allegations of the crime and the extent of injuries of the
14 victim.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. Section 15-19-1 of the Code of Alabama
17 1975, is amended to read as follows:

18 "§15-19-1.

19 "(a) A person charged with a crime which was
20 committed in his or her minority but was not disposed of in
21 juvenile court and which involves moral turpitude or is
22 subject to a sentence of commitment for one year or more
23 shall, and, if charged with a lesser crime may be investigated
24 and examined by the court to determine whether he or she
25 should be tried as a youthful offender, provided he or she
26 consents to such examination and to trial without a jury where
27 trial by jury would otherwise be available to ~~him~~ the

1 defendant. If the defendant consents and the court so decides,
2 no further action shall be taken on the indictment or
3 information unless otherwise ordered by the court as provided
4 in subsection (b) ~~of this section~~.

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

12 "(c) In addition to the provisions of subsections
13 (a) and (b), when the defendant is charged with a crime that
14 contains as an element of the crime or an allegation related
15 to the charge that the defendant intentionally inflicted
16 serious physical injury or intentionally killed the victim in
17 the commission of the crime, prior to conducting a hearing or
18 examination on whether the defendant will be arraigned as a
19 youthful offender, the court shall give notice at least 10
20 days prior to the hearing to the victim and at least one
21 member of the victim's immediate family if the victim is under
22 21 years of age or deceased or hospitalized. In addition, the
23 court shall conduct an evidentiary hearing on the allegations
24 of the crime and the extent of injuries of the victim."

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.

