

HB19 INTRODUCED



1 YMUP22-1
2 By Representative England
3 RFD: Judiciary
4 First Read: 07-Mar-23
5 PFD: 08-Feb-23



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SYNOPSIS:

This bill would change the definition of "intellectually disabled person."

This bill would allow defendants an additional opportunity to present evidence of intellectual disability.

This bill would also make nonsubstantive, technical revisions to update the existing code language to current style.

A BILL
TO BE ENTITLED
AN ACT

Relating to criminal procedure; to amend Sections 15-24-2 and 15-24-5, Code of Alabama 1975, to update the definition of "intellectually disabled person"; to allow defendants an additional opportunity to present evidence of intellectual disability; and to make nonsubstantive, technical revisions to update the existing code language to current style.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 15-24-2 and 15-24-5, Code of Alabama 1975, are amended to read as follows:



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29 "§15-24-2

30 For the purpose of this chapter, the following ~~terms~~
31 ~~shall~~ words have the ~~respective following~~ meanings ~~ascribed by~~
32 ~~this section~~:

33 (1) COURT. The court having jurisdiction over the
34 offense charged.

35 (2) DEFENDANT. Any person accused of a criminal offense
36 against state laws.

37 (3) INTELLECTUALLY DISABLED PERSON. A person with
38 significant subaverage general intellectual functioning
39 resulting in or associated with concurrent impairments in
40 adaptive behavior and manifested during the developmental
41 period, as measured by contemporary, prevailing, and
42 appropriate ~~standardized testing instruments~~ clinical
43 standards."

44 "§15-24-5

45 (a) If the ~~defendant is determined by the court to be~~
46 court determines the defendant is intellectually disabled, the
47 judge may do either of the following:

48 (1) Consider the information submitted in determining
49 the need for pretrial release along with appropriate
50 conditions, ~~or.~~

51 (2) Order that the defendant, if he or she is not
52 released, be accorded placement consistent with his or her
53 special status so as to better protect him or her during this
54 period of pretrial confinement.

55 (b) If the court initially determines the defendant is
56 not intellectually disabled, the defendant shall be given the



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57 opportunity to present additional clinical evidence of his or
58 her intellectual disability."

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