

1 HB64
2 181145-1
3 By Representative Hill
4 RFD: Judiciary
5 First Read: 07-FEB-17
6 PFD: 01/27/2017

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8 SYNOPSIS: Under existing law, a minor who has attained
9 16 years of age may be charged, arrested, and tried
10 as an adult for capital offenses, other specified
11 felonies, and certain lesser included offenses.

12 This bill would require a circuit or
13 district court to dismiss all cases against 16- or
14 17-year-old defendants if no indictment is returned
15 for any of the predicate offenses and would provide
16 for the refiling of the cases in juvenile court
17 under certain conditions.

18
19 A BILL
20 TO BE ENTITLED
21 AN ACT
22

23 To amend Section 12-15-204, Code of Alabama 1975, to
24 require a circuit or district court to dismiss all charges
25 against 16- or 17-year-old defendants if no indictment is
26 returned; and to provide for the refiling of these cases under
27 certain conditions.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. Section 12-15-204, Code of Alabama 1975,
3 is amended to read as follows:

4 "§12-15-204.

5 "(a) Notwithstanding any other provision of law, any
6 person who has attained the age of 16 years at the time of the
7 conduct charged and who is charged with the commission of any
8 act or conduct, which if committed by an adult would
9 constitute any of the following, shall not be subject to the
10 jurisdiction of juvenile court but shall be charged, arrested,
11 and tried ~~as~~ like an adult:

12 "(1) A capital offense.

13 "(2) A Class A felony.

14 "(3) A felony which has as an element thereof the
15 use of a deadly weapon.

16 "(4) A felony which has as an element thereof the
17 causing of death or serious physical injury.

18 "(5) A felony which has as an element thereof the
19 use of a dangerous instrument against any person who is one of
20 the following:

21 "a. A law enforcement officer or official.

22 "b. A correctional officer or official.

23 "c. A parole or probation officer or official.

24 "d. A juvenile court probation officer or official.

25 "e. A district attorney or other prosecuting officer
26 or official.

27 "f. A judge or judicial official.

1 "g. A court officer or official.

2 "h. A person who is a grand juror, juror, or witness
3 in any legal proceeding of whatever nature when the offense
4 stems from, is caused by, or is related to the role of the
5 person as a juror, grand juror, or witness.

6 "i. A teacher, principal, or employee of the public
7 education system of Alabama.

8 "(6) Trafficking in drugs in violation of Section
9 13A-12-231, or as the same may be amended.

10 "(7) Any lesser included offense of the above
11 offenses charged or any lesser felony offense charged arising
12 from the same facts and circumstances and committed at the
13 same time as the offenses listed above. Provided, however,
14 that the juvenile court shall ~~maintain~~ have original
15 jurisdiction over these lesser included offenses if the grand
16 jury fails to indict for any of the offenses enumerated in
17 ~~subsections~~ subdivisions (a) (1) to (a) (6), inclusive. The
18 juvenile court shall also maintain original jurisdiction over
19 these lesser included offenses, subject to double jeopardy
20 limitations, if the court handling criminal offenses dismisses
21 all charges for offenses enumerated in ~~subsections~~
22 subdivisions (a) (1) to (a) (6), inclusive. If no indictment is
23 returned for any offense enumerated in subdivisions (a) (1) to
24 (a) (6), the circuit or district court shall dismiss all cases
25 against individuals who are 16 or 17 years of age for lack of
26 jurisdiction. A dismissed case may be refiled in juvenile
27 court through the intake procedures provided in Section

1 12-15-120(a). This subdivision does not apply to any case
2 transferred pursuant to Section 12-15-203.

3 "(b) Notwithstanding any other provision of law, any
4 person who has been convicted or adjudicated a youthful
5 offender in a court handling criminal offenses pursuant to the
6 provisions of this section shall not thereafter be subject to
7 the jurisdiction of juvenile court for any pending or
8 subsequent offense. Provided, however, pursuant to Section
9 12-15-117, the juvenile court shall retain jurisdiction over
10 an individual of any age for the enforcement of any prior
11 orders of the juvenile court requiring the payment of fines,
12 court costs, restitution, or other money ordered by the
13 juvenile court until paid in full.

14 "(c) This section shall apply to all cases in which
15 the alleged criminal conduct occurred after April 14, 1994.
16 All conduct occurring before April 14, 1994, shall be governed
17 by pre-existing law."

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