

1 SB346
2 167099-1
3 By Senator Whatley
4 RFD: Judiciary
5 First Read: 07-APR-15

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8 SYNOPSIS: Under existing law, a person charged with a
9 crime which is committed when he or she is under
10 the age of 19 may be charged as a youthful
11 offender.

12 This bill would change the threshold age of
13 a youthful offender.

14 This bill would specify that a judge may use
15 his or her discretion in determining whether to
16 consider a prior adjudication as a youthful
17 offender of a person who subsequently commits
18 another crime.

19 This bill would also expunge the record of a
20 youthful offender.

21
22 A BILL

23 TO BE ENTITLED

24 AN ACT

25
26 Relating to youthful offenders; to amend Sections
27 15-19-1 and 15-19-7, Code of Alabama 1975; to change the

1 threshold age of a youthful offender; to specify that a judge
2 may use his or her discretion in determining whether to
3 consider a prior adjudication as a youthful offender of a
4 person who subsequently commits another crime; and to expunge
5 the record of a youthful offender.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. Sections 15-19-1 and 15-19-7, Code of
8 Alabama 1975, are amended to read as follows:

9 "§15-19-1.

10 "(a) A person charged with a crime which was
11 committed ~~in his or her minority~~ when he or she was under the
12 age of 23, or if he or she was a full-time student at the
13 time, under the age of 25, but was not disposed of in juvenile
14 court and which involves moral turpitude or is subject to a
15 sentence of commitment for one year or more shall, and, if
16 charged with a lesser crime may be investigated and examined
17 by the court to determine whether he or she should be tried as
18 a youthful offender, provided he or she consents to such
19 examination and to trial without a jury where trial by jury
20 would otherwise be available to the defendant. If the
21 defendant consents and the court so decides, no further action
22 shall be taken on the indictment or information unless
23 otherwise ordered by the court as provided in subsection (b).
24 Nothing in this chapter shall affect the authority of the
25 court to grant youthful offender status to a defendant who was
26 granted youthful offender status in any prior case.

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

8 "(c) In addition to the provisions of subsections
9 (a) and (b), when the defendant is charged with a crime that
10 contains as an element of the crime or an allegation related
11 to the charge that the defendant intentionally inflicted
12 serious physical injury or intentionally killed the victim in
13 the commission of the crime, prior to conducting a hearing or
14 examination on whether the defendant will be arraigned as a
15 youthful offender, the victim shall receive notice 10 days
16 prior to the hearing pursuant to the provisions of the Crime
17 Victims' Rights Act. In addition, the court shall conduct an
18 evidentiary hearing on the allegations of the crime and the
19 extent of injuries of the victim and shall consider the
20 evidence prior to determining youthful offender status. The
21 failure to provide a right, privilege, or notice to a victim
22 under this subsection shall not be grounds for the defendant
23 or victim to seek to have the disposition of the case set
24 aside.

25 "§15-19-7.

26 "(a) No determination made under the provisions of
27 this chapter shall disqualify any youth for public office or

1 public employment, operate as a forfeiture of any right or
2 privilege or make the youth ineligible to receive any license
3 granted by public authority, and such determination shall not
4 be deemed a conviction of a crime; provided, however, that if
5 the youth is subsequently convicted of a crime, the prior
6 adjudication as a youthful offender ~~shall~~ may be considered.

7 ~~"(b) Except as provided in subsection (c),~~
8 ~~fingerprints~~ Fingerprints and photographs and other records of
9 a person adjudged a youthful offender shall not be open to
10 public inspection; ~~provided, however, that the court may, in~~
11 ~~its discretion, permit the inspection of papers or records.~~

12 ~~"(c) Prosecutors representing the State of Alabama~~
13 ~~shall have access to fingerprints, photographs, and other~~
14 ~~records of a person adjudged a youthful offender contained in~~
15 ~~the court file regardless of the jurisdiction from which the~~
16 ~~file originates. Upon completion of any sentence and~~
17 ~~probation, including the payment of any court ordered monies,~~
18 ~~the criminal record of a youthful offender shall be expunged."~~

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