

**SB119 INTRODUCED**



1 KJJC5U-1

2 By Senators Coleman-Madison, Barfoot, Stutts, Gudger, Givhan,

3 Coleman, Stewart, Chesteen, Melson, Albritton

4 RFD: Judiciary

5 First Read: 22-Mar-23

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SYNOPSIS:

Under existing law, a person who is 16 years of age or older may be charged, arrested, and tried as an adult for a felony offense involving the use of a dangerous instrument against certain persons, including a juvenile court probation officer or official.

This bill would require a person who is 16 years of age or older to be tried as an adult for any felony offense involving the use of a dangerous instrument against an employee of a juvenile detention center or the Department of Youth Services.

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 courts; to amend Section 12-15-204, Code of Alabama 1975, to require a person who is 16 years of age or older to be tried as an adult for any felony offense involving the use of a dangerous instrument against an employee of a juvenile detention center or the Department of Youth Services;



## SB119 INTRODUCED

29 and to make nonsubstantive, technical revisions to update the  
30 existing code language to current style.

31 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

34 "§12-15-204

35 (a) Notwithstanding any other provision of law, any  
36 person who has attained the age of 16 years at the time of the  
37 conduct charged and who is charged with the commission of any  
38 act or conduct, which if committed by an adult would  
39 constitute any of the following, shall not be subject to the  
40 jurisdiction of juvenile court but shall be charged, arrested,  
41 and tried as an adult:

42 (1) A capital offense.

43 (2) A Class A felony.

44 (3) A felony which has as an element thereof the use of  
45 a deadly weapon.

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

48 (5) A felony which has as an element thereof the use of  
49 a dangerous instrument against any person who is one of the  
50 following:

51 a. A law enforcement officer or official.

52 b. A correctional officer or official.

53 c. A parole or probation officer or official.

54 d. A juvenile court probation officer or official, or  
55 an employee of a juvenile detention center or the Department  
56 of Youth Services.



## SB119 INTRODUCED

57 e. A district attorney or other prosecuting officer or  
58 official.

59 f. A judge or judicial official.

60 g. A court officer or official.

61 h. A person who is a grand juror, juror, or witness in  
62 any legal proceeding of whatever nature when the offense stems  
63 from, is caused by, or is related to the role of the person as  
64 a juror, grand juror, or witness.

65 i. A teacher, principal, or employee of the public  
66 education system of Alabama.

67 (6) Trafficking in drugs in violation of Section  
68 13A-12-231, or as the same may be amended.

69 (7) Any lesser included offense of the above offenses  
70 charged or any lesser felony offense charged arising from the  
71 same facts and circumstances and committed at the same time as  
72 the offenses listed above. Provided, however, that the  
73 juvenile court shall maintain original jurisdiction over these  
74 lesser included offenses if the grand jury fails to indict for  
75 any of the offenses enumerated in ~~subsections~~subdivisions  
76 (a)(1) to (a)(6), inclusive. The juvenile court shall also  
77 maintain original jurisdiction over these lesser included  
78 offenses, subject to double jeopardy limitations, if the court  
79 handling criminal offenses dismisses all charges for offenses  
80 enumerated in ~~subsections~~subdivisions (a)(1) to (a)(6),  
81 inclusive.

82 (b) Notwithstanding any other provision of law, any  
83 person who has been convicted or adjudicated a youthful  
84 offender in a court handling criminal offenses pursuant to the



## SB119 INTRODUCED

85 provisions of this section shall not ~~thereafter~~subsequently  
86 be subject to the jurisdiction of juvenile court for any  
87 pending or subsequent offense. Provided, however, pursuant to  
88 Section 12-15-117, the juvenile court shall retain  
89 jurisdiction over an individual of any age for the enforcement  
90 of any prior orders of the juvenile court requiring the  
91 payment of fines, court costs, restitution, or other money  
92 ordered by the juvenile court until paid in full.

93 (c) This section shall apply to all cases in which the  
94 alleged criminal conduct occurred after April 14, 1994. All  
95 conduct occurring before April 14, 1994, shall be governed by  
96 ~~pre-existing~~preexisting law."

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