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3 HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR HB225  
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8 SYNOPSIS: This bill would implement the  
9 recommendations of the Alabama Juvenile Justice  
10 Task Force and would substantially revise  
11 provisions relating to the juvenile justice system  
12 in this state.

13 This bill would expand early interventions  
14 to address the needs of certain youth prior to  
15 court involvement.

16 This bill would require development of a  
17 statewide detention risk assessment tool for  
18 pre-adjudication detention decisions and would  
19 establish standards for informal adjustments for  
20 certain youth.

21 This bill would provide for video detention  
22 hearings under certain conditions.

23 This bill would reduce the number of  
24 offenses for which juveniles may be transferred to  
25 criminal court for prosecution.

26 This bill would remove the assessment of  
27 fines or court costs against children under certain

1 conditions while maintaining the ability to assess  
2 them against the parents of those children.

3 This bill would provide for a risk and needs  
4 assessment tool to aid courts in determining when  
5 placement in the custody of the Department of Youth  
6 Services is necessary and when placement is not  
7 advisable. This bill would also specify those  
8 offenses that make a child eligible for placement  
9 with the Department of Youth Services and would  
10 further establish presumptions for the length of  
11 supervision ordered by a juvenile court.

12 This bill would require local boards of  
13 education to inform parents of services available  
14 relating to absenteeism and other school-related  
15 misconduct and would require the Alabama Department  
16 of Education to require each local board of  
17 education to annually develop, approve, and submit  
18 multi-disciplinary agreements in collaboration with  
19 community stakeholders relating to appropriate  
20 responses to school-based offenses, court  
21 referrals, and accountability.

22 This bill would create the Juvenile Justice  
23 Reinvestment Fund, administered by the Department  
24 of Youth Services, to reinvest averted costs from  
25 reduction in the department's custody and placement  
26 of youth in residential facilities, as well as

1 other funds, back into local community-based  
2 programs and services.

3 This bill would create the Juvenile Justice  
4 Fund Oversight Committee to oversee distribution of  
5 funds to local communities for local evidence-based  
6 programs and other services.

7 This bill would require the Administrative  
8 Office of Courts and the Department of Youth  
9 Services to develop, adopt, and validate a risk and  
10 needs assessment to identify a child's risk to  
11 reoffend and needs that, if addressed, would likely  
12 reduce reoffending.

13 This bill would also provide courts  
14 discretion as to whether or not a child should be  
15 subject to registration or notification as a sex  
16 offender under certain conditions.

17  
18 A BILL

19 TO BE ENTITLED

20 AN ACT

21  
22 Relating to juvenile justice; to amend Sections  
23 12-15-102, 12-15-107, 12-15-119, 12-15-120, 12-15-126,  
24 12-15-127, 12-15-128, 12-15-132, 12-15-203, 12-15-204,  
25 12-15-207, 12-15-209, 12-15-211, 12-15-215, 12-15-221,  
26 12-15-701, 12-25-9, 16-28-2.2, 16-28-8, 16-28-13, 16-28-14,  
27 16-28-16, 16-28-17, 16-28-18, 44-1-1, 44-1-24, and 44-1-36,

1 Code of Alabama 1975, to expand early interventions to address  
2 the needs of certain youth prior to court involvement; to  
3 require development of a statewide detention risk assessment  
4 tool for pre-adjudication detention decisions; to provide for  
5 video conferencing of certain detention hearings under certain  
6 conditions; to establish standards for informal adjustments  
7 for certain youth; to reduce the number of offenses that may  
8 be transferred to criminal court under certain circumstances;  
9 to remove the assessment of fines or court costs against  
10 children under certain conditions; to provide for a risk and  
11 needs assessment tool to aid courts in determining when  
12 placement in the custody of the Department of Youth Services  
13 is necessary; to specify those offenses that would make a  
14 child eligible for placement with the Department of Youth  
15 Services; to further specify the length of supervision ordered  
16 by a juvenile court; to require local boards of education to  
17 inform parents of services available relating to absenteeism  
18 and other school-related misconduct; to create the Juvenile  
19 Justice Reinvestment Fund, administered by the Department of  
20 Youth Services; to require the Administrative Office of Courts  
21 and the Department of Youth Services to develop and adopt a  
22 risk and needs assessment; to create the Juvenile Justice Fund  
23 Oversight Committee and to provide for its membership and  
24 duties; and to amend Section 15-20A-5, Code of Alabama 1975,  
25 as last amended by Act 2017-414, 2017 Regular Session, to  
26 provide courts discretion as to requiring a child to comply

1 with sex offender registration and notification requirements  
2 under certain conditions.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Sections 12-15-102, 12-15-107, 12-15-119,  
5 12-15-120, 12-15-126, 12-15-127, 12-15-128, 12-15-132,  
6 12-15-203, 12-15-204, 12-15-207, 12-15-209, 12-15-211,  
7 12-15-215, 12-15-221, 12-15-701, 12-25-9, 16-28-2.2, 16-28-8,  
8 16-28-13, 16-28-14, 16-28-16, 16-28-17, 16-28-18, 44-1-1,  
9 44-1-24, and 44-1-36, Code of Alabama 1975, are amended to  
10 read as follows:

11 "§12-15-102.

12 "When used in this chapter, the following words and  
13 phrases have the following meanings:

14 "(1) ADULT. An individual 19 years of age or older.

15 "(2) AFTERCARE. Conditions and supervision as the  
16 juvenile court orders after release from the Department of  
17 Youth Services.

18 "(3) CHILD. An individual under the age of 18 years,  
19 or under 21 years of age and before the juvenile court for a  
20 delinquency matter arising before that individual's 18th  
21 birthday. Where a delinquency petition alleges that an  
22 individual, prior to the individual's 18th birthday, has  
23 committed an offense for which there is no statute of  
24 limitation pursuant to Section 15-3-5, the term child also  
25 shall include the individual subject to the petition,  
26 regardless of the age of the individual at the time of filing.

1           "(4) CHILD IN NEED OF SUPERVISION. A child who has  
2 been adjudicated by a juvenile court for doing any of the  
3 following and who is in need of care, rehabilitation, or  
4 supervision:

5           "a. Being subject to the requirement of compulsory  
6 school attendance, is habitually truant from school as defined  
7 by the State Board of Education in the Alabama Administrative  
8 Code. Notwithstanding the foregoing, a child shall not be  
9 found in need of supervision pursuant to this subdivision if  
10 ~~the juvenile court determines that the parent, legal guardian,~~  
11 ~~or legal custodian of the child was solely responsible for the~~  
12 ~~nonattendance of the child.~~ either of the following occur:

13           "1. The juvenile court determines that the parent,  
14 legal guardian, or legal custodian of the child was solely  
15 responsible for the nonattendance of the child.

16           "2. The school did not make reasonable efforts to  
17 engage the child in an early warning truancy prevention  
18 program in the school or at home prior to filing a complaint.

19           "b. Disobeys the reasonable and lawful demands of  
20 his or her parent, legal guardian, or legal custodian and is  
21 beyond the control of the parent, legal guardian, or legal  
22 custodian.

23           "c. Leaves, or remains away from, the home without  
24 the permission of the parent, legal guardian, legal custodian,  
25 or person with whom he or she resides.

26           "d. Commits an offense established by law but not  
27 classified as criminal.

1           "(5) CHILD'S ATTORNEY. A licensed attorney who  
2 provides legal services for a child, or for a minor in a  
3 mental commitment proceeding, and who owes the same duties of  
4 undivided loyalty, confidentiality, and competent  
5 representation to the child or minor as is due an adult  
6 client.

7           "(6) DELINQUENT ACT. An act that is criminal in  
8 nature committed by a child that is designated a violation,  
9 misdemeanor, or felony offense pursuant to the law of the  
10 municipality, county, or state in which the act was committed  
11 or pursuant to federal law. This term shall not apply to any  
12 of the following:

13           "a. An offense listed in Section 12-15-204 when  
14 committed by a child 16 or 17 years of age ~~as follows:~~.

15           ~~"1. b.~~ A nonfelony traffic offense or water safety  
16 offense other than one charged pursuant to Section 32-5A-191  
17 or 32-5A-191.3 or a municipal ordinance prohibiting the same  
18 conduct.

19           ~~"2. A capital offense.~~

20           ~~"3. A Class A felony.~~

21           ~~"4. A felony which has as an element the use of a~~  
22 ~~deadly weapon.~~

23           ~~"5. A felony which has as an element the causing of~~  
24 ~~death or serious physical injury.~~

25           ~~"6. A felony which has as an element the use of a~~  
26 ~~dangerous instrument against any person who is one of the~~  
27 ~~following:~~

1           ~~"(i) A law enforcement officer or official.~~  
2           ~~"(ii) A correctional officer or official.~~  
3           ~~"(iii) A parole or probation officer or official.~~  
4           ~~"(iv) A juvenile court probation officer or~~  
5 ~~official.~~  
6           ~~"(v) A district attorney or other prosecuting~~  
7 ~~officer or official.~~  
8           ~~"(vi) A judge or judicial official.~~  
9           ~~"(vii) A court officer or official.~~  
10           ~~"(viii) A person who is a grand juror, juror, or~~  
11 ~~witness in any legal proceeding of whatever nature when the~~  
12 ~~offense stems from, is caused by, or is related to the role of~~  
13 ~~the person as a juror, grand juror, or witness.~~  
14           ~~"(ix) A teacher, principal, or employee of the~~  
15 ~~public education system of Alabama.~~  
16           ~~"7. Trafficking in drugs in violation of Section~~  
17 ~~13A-12-231, or as the same may be amended.~~  
18           ~~"8. Any lesser included offense of the offenses in~~  
19 ~~subparagraphs 1 to 7, inclusive, charged or any lesser felony~~  
20 ~~offense charged arising from the same facts and circumstances~~  
21 ~~and committed at the same time as the offenses listed in~~  
22 ~~subparagraphs 1 to 7, inclusive.~~  
23           ~~"b. c.~~ Any criminal act, offense, or violation  
24 committed by a child under the age of 18 years who has been  
25 previously convicted or adjudicated a youthful offender.



1           "(7) DELINQUENT CHILD. A child who has been  
2 adjudicated for a delinquent act and is in need of care or  
3 rehabilitation.

4           "(8) DEPENDENT CHILD. a. A child who has been  
5 adjudicated dependent by a juvenile court and is in need of  
6 care or supervision and meets any of the following  
7 circumstances:

8           "1. Whose parent, legal guardian, legal custodian,  
9 or other custodian subjects the child or any other child in  
10 the household to abuse, as defined in subdivision (2) of  
11 Section 12-15-301 or neglect as defined in subdivision (4) of  
12 Section 12-15-301, or allows the child to be so subjected.

13           "2. Who is without a parent, legal guardian, or  
14 legal custodian willing and able to provide for the care,  
15 support, or education of the child.

16           "3. Whose parent, legal guardian, legal custodian,  
17 or other custodian neglects or refuses, when able to do so or  
18 when the service is offered without charge, to provide or  
19 allow medical, surgical, or other care necessary for the  
20 health or well-being of the child.

21           "4. Whose parent, legal guardian, legal custodian,  
22 or other custodian fails, refuses, or neglects to send the  
23 child to school in accordance with the terms of the compulsory  
24 school attendance laws of this state.

25           "5. Whose parent, legal guardian, legal custodian,  
26 or other custodian has abandoned the child, as defined in  
27 subdivision (1) of Section 12-15-301.

1           "6. Whose parent, legal guardian, legal custodian,  
2 or other custodian is unable or unwilling to discharge his or  
3 her responsibilities to and for the child.

4           "7. Who has been placed for care or adoption in  
5 violation of the law.

6           "8. Who, for any other cause, is in need of the care  
7 and protection of the state.

8           "b. The commission of one or more status offenses as  
9 defined in subdivision (4) of Section 12-15-201 is not a  
10 sufficient basis for an adjudication of dependency.

11           "(9) DETENTION. The temporary placement of children  
12 alleged or adjudicated to be delinquent in secure custody as  
13 defined herein pending juvenile court disposition or transfer  
14 to a residential facility for further care of a child  
15 adjudicated delinquent.

16           "(10) GUARDIAN AD LITEM. A licensed attorney  
17 appointed by a juvenile court to protect the best interests of  
18 an individual without being bound by the expressed wishes of  
19 that individual.

20           "(11) INTAKE OFFICER. A juvenile probation officer  
21 or an employee of the judicial branch of government, who is  
22 neutral and detached from executive and legislative branch  
23 activities, designated by the juvenile court judge to initiate  
24 original delinquency, dependency, and child in need of  
25 supervision cases, as well as cases designated in Section  
26 12-15-132 before the juvenile court. The juvenile court intake  
27 officer shall be appointed a magistrate pursuant to Rule 18,

1 Alabama Rules of Judicial Administration, to issue warrants of  
2 arrest for individuals 18 years of age or older committing  
3 criminal offenses under the jurisdiction of the juvenile  
4 court.

5 "(12) JUVENILE COURT. The juvenile or family court  
6 division of the circuit or district court having jurisdiction  
7 over matters as provided by this chapter.

8 "(13) JUVENILE DETENTION FACILITY. Any facility  
9 owned or operated by the state, any county, or other legal  
10 entity licensed by and contracted with the Department of Youth  
11 Services for the detention of children.

12 "(14) LAW ENFORCEMENT OFFICER. Any person, however  
13 denominated, who is authorized by law to exercise the police  
14 powers of the state, a county, or local governments.

15 "(15) LEGAL CUSTODIAN. A parent, person, agency, or  
16 department to whom legal custody of a child under the  
17 jurisdiction of the juvenile court pursuant to this chapter  
18 has been awarded by order of the juvenile court or other court  
19 of competent jurisdiction.

20 "(16) LEGAL CUSTODY. A legal status created by order  
21 of the juvenile court which vests in a legal custodian the  
22 right to have physical custody of a child under the  
23 jurisdiction of the juvenile court pursuant to this chapter  
24 and the right and duty to protect, train, and discipline the  
25 child and to provide the child with food, shelter, clothing,  
26 education, and medical care, all subject to the powers,  
27 rights, duties, and responsibilities of the legal guardian of

1 the person of the child and subject to any residual parental  
2 rights and responsibilities. A parent, person, agency, or  
3 department granted legal custody shall exercise the rights and  
4 responsibilities personally, unless otherwise restricted by  
5 the juvenile court.

6 "(17) LEGAL GUARDIAN. A person who has been  
7 appointed by a probate court pursuant to the Alabama Uniform  
8 Guardianship and Protective Proceedings Act, Chapter 2A  
9 (commencing with Section 26-2A-1) of Title 26 to be a guardian  
10 of a person under 19 years of age who has not otherwise had  
11 the disabilities of minority removed. This term does not  
12 include a guardian ad litem as defined in this section.

13 "(18) MINOR. An individual who is under the age of  
14 19 years and who is not a child within the meaning of this  
15 chapter.

16 "(19) PARENT. The legal mother or the legal father  
17 of a child under the jurisdiction of the juvenile court  
18 pursuant to this chapter.

19 "(20) PICK-UP ORDER. In any case before the juvenile  
20 court, an order directing any law enforcement officer or other  
21 person authorized by this chapter to take a child into custody  
22 and to deliver the child to a place of detention, shelter, or  
23 other care designated by the juvenile court.

24 "(21) PROBATION. The legal status created by order  
25 of the juvenile court following an adjudication of delinquency  
26 or in need of supervision whereby a child is permitted to  
27 remain in a community subject to supervision and return to the

1 juvenile court for violation of probation at any time during  
2 the period of probation.

3 "(22) RESIDENTIAL FACILITY. A dwelling, other than a  
4 detention or shelter care facility, providing living  
5 accommodations, care, treatment, and maintenance for children,  
6 including, but not limited to, institutions, foster family  
7 homes, group homes, half-way houses, and forestry camps  
8 operated, accredited, or licensed by a federal or state  
9 department or agency.

10 "(23) RESIDUAL PARENTAL RIGHTS AND RESPONSIBILITIES.  
11 Those rights and responsibilities remaining with a parent  
12 after a transfer of legal custody of a child under the  
13 jurisdiction of the juvenile court pursuant to this chapter,  
14 including, but not necessarily limited to, the right of  
15 visitation, the right to withhold consent to adoption, the  
16 right to determine religious affiliation, and the  
17 responsibility for support, unless determined by order of the  
18 juvenile court not to be in the best interests of the child.

19 "(24) SECURE CUSTODY. As used with regard to  
20 juvenile detention facilities and the Department of Youth  
21 Services, this term means residential facilities with  
22 construction features designed to physically restrict the  
23 movements and activities of persons in custody such as locked  
24 rooms and buildings, including rooms and buildings that  
25 contain alarm devices that prevent departure; fences; or other  
26 physical structures. This term does not include facilities

1 where physical restriction of movement or activity is provided  
2 solely through facility staff.

3 "(25) SHELTER CARE. The temporary care of children  
4 in group homes, foster care, relative placement, or other  
5 nonpenal facilities.

6 "§12-15-107.

7 "(a) For the purpose of carrying out the objectives  
8 and purposes of this chapter and subject to the limitations of  
9 this chapter or imposed by the juvenile court, a juvenile  
10 probation officer shall perform the following duties:

11 "(1) Make investigations, reports, and  
12 recommendations to the juvenile court.

13 "(2) Serve as a juvenile court intake officer when  
14 designated by the juvenile court judge.

15 "(3) Supervise and assist a child placed on  
16 probation or aftercare by order of the juvenile court or other  
17 authority of law until the terms of probation or aftercare  
18 expire or are otherwise terminated.

19 "(4) Make appropriate referrals to other private or  
20 public departments or agencies of the community if their  
21 assistance appears to be needed or desirable.

22 "(5) Make predisposition studies and submit reports  
23 and recommendations to the juvenile court as required by this  
24 chapter.

25 "(6) Collect and compile statistical data and file  
26 reports as may be required by the Administrative Director of  
27 Courts pursuant to subdivision (1) of Section 12-5-10. The

1 reports may include, but shall not be limited to, statistical  
2 data, case studies, and research materials.

3 "(7) Notify the state and either the parent, legal  
4 guardian, or legal custodian of a juvenile sex offender, or  
5 the child's attorney for the juvenile sex offender, of the  
6 pending release of the juvenile sex offender and provide them  
7 with a copy of the risk assessment pursuant to subsection (c)  
8 of Section 15-20A-26.

9 "(8) Perform other functions as are designated by  
10 this chapter or directed by the juvenile court.

11 ~~"(b) For the purposes of this chapter, a juvenile~~  
12 ~~probation officer with the approval of the juvenile court,~~  
13 ~~shall have the power to take into custody and place in shelter~~  
14 ~~or detention, subject to Section 12-15-208, a child who is on~~  
15 ~~probation or aftercare under his or her supervision when the~~  
16 ~~juvenile probation officer has~~ A juvenile probation officer  
17 may request an order for a law enforcement officer or other  
18 authorized person to take a child into custody and place the  
19 child in shelter or detention when the juvenile probation  
20 officer has reasonable cause to believe that the child has  
21 violated the conditions of his or her probation or aftercare,  
22 or that he or she may flee from the jurisdiction of the  
23 juvenile court. A juvenile probation officer does not have the  
24 powers of a law enforcement officer.

25 "§12-15-119.

26 "(a) After a verified complaint has been filed and  
27 before a petition alleging delinquency or in need of

1 supervision is filed, the juvenile court intake officer,  
2 ~~subject to the direction of the juvenile court, may shall~~  
3 ~~offer give counsel and advice to the parties child for the~~  
4 ~~purpose of an informal adjustment pursuant to rules of~~  
5 ~~procedure adopted by the Supreme Court of Alabama. pursuant to~~  
6 rules of procedure adopted by the Supreme Court of Alabama if  
7 both of the following are satisfied:

8 "(1) The complaint alleges that the child has either  
9 committed a misdemeanor not involving a deadly weapon as  
10 defined in Section 13A-1-2 or is a child in need of  
11 supervision.

12 "(2) The child has no prior delinquency or child in  
13 need of supervision complaints. The juvenile court intake  
14 officer may offer the child an informal adjustment on a  
15 subsequent complaint.

16 "(b) The juvenile court intake officer shall not  
17 assess or collect a fine, fee, or other financial obligation  
18 as part of an informal adjustment.

19 "§12-15-120.

20 "(a) Delinquency, child in need of supervision, and  
21 dependency cases and proceedings pursuant to Section 12-15-132  
22 before the juvenile court shall be initiated by the filing of  
23 a petition by the juvenile court intake officer who shall  
24 receive verified complaints and proceed thereon pursuant to  
25 rules of procedure adopted by the Supreme Court of Alabama.

26 "(b) A petition alleging that a child is a  
27 delinquent child, dependent child, or a child in need of



1 supervision shall not be filed by a juvenile court intake  
2 officer unless the juvenile court intake officer has  
3 determined and endorsed upon the petition that ~~the juvenile~~  
4 ~~court has subject matter jurisdiction and venue over the case~~  
5 ~~and that the filing of the petition is in the best interests~~  
6 ~~of the public and the child.~~ all of the following are  
7 satisfied:

8 "(1) The juvenile court has subject matter  
9 jurisdiction and venue over the case.

10 "(2) The child does not meet the informal adjustment  
11 criteria defined in subsection (a) of Section 12-15-119 or the  
12 child has rejected an offer of informal adjustment.

13 "(3) The filing of the petition is in the best  
14 interests of the public and the child.

15 "(c) A petition alleging that a child is in need of  
16 supervision for habitual truancy shall not be filed unless a  
17 representative of the school has provided written  
18 documentation to the intake officer that the school made  
19 reasonable efforts to engage the child in an early warning  
20 truancy prevention program.

21 "(d) Absent serious threats to school safety or  
22 emergency circumstances, when a petition is filed based upon  
23 acts committed on school grounds during the school day,  
24 information shall be included in the petition which shows all  
25 of the following:

26 "(1) The steps the school has taken to resolve the  
27 expressed problem through available educational approaches.

1           "(2) That the school has sought to engage the  
2 parents or guardian in solving the problem but they have been  
3 unwilling or unable to do so.

4           "(3) That the child has not responded to such  
5 approaches and continues to engage in offending behavior.

6           "(4) That court intervention is needed.

7           "§12-15-126.

8           "If it appears from a sworn statement, written or  
9 verbal, presented to the juvenile court that a child needs to  
10 be placed in detention or shelter or other care, pursuant to  
11 the criteria provided in Section 12-15-128, the juvenile court  
12 may issue a pick-up order that a law enforcement officer or  
13 other person authorized by this chapter shall at once take the  
14 child into custody and take him or her to the place of  
15 detention or shelter or other care designated by the juvenile  
16 court.

17           "§12-15-127.

18           "(a) A person taking a child into custody without an  
19 order of the juvenile court shall, with all possible speed,  
20 and in accordance with this chapter and the rules of court  
21 pursuant thereto:

22           "(1) Release the child to the parents, legal  
23 guardian, or legal custodian of the child or other suitable  
24 person able to provide supervision and care for the child and  
25 issue verbal counsel and warning as may be appropriate.

26           "(2) Release the child to the parents, legal  
27 guardian, or legal custodian of the child upon his or her

1 promise to bring the child before the juvenile court when  
2 requested, unless the placement of the child in detention or  
3 shelter care appears required pursuant to the criteria  
4 provided in Section 12-15-128. If a parent, legal guardian, or  
5 other legal custodian fails, when requested, to bring the  
6 child before the juvenile court as provided in this section,  
7 the juvenile court may issue an order directing that the child  
8 be taken into custody and brought before the juvenile court,  
9 in accordance with subsection (b).

10 "(3) Bring the child, if not released, to the place  
11 designated by the juvenile court and give written notice of  
12 the action taken and the reasons for taking the child into  
13 custody to the juvenile court intake officer, to the parent,  
14 legal guardian, or other legal custodian of the child, and, in  
15 the case of dependency, to the Department of Human Resources.

16 "(b) Prior to authorizing the admission of the child  
17 to detention, shelter, or other care, the juvenile court  
18 intake officer, on an allegation of delinquency or in need of  
19 supervision or of dependency, shall administer a detention  
20 risk assessment tool to any child who is under consideration  
21 for placement in detention, developed pursuant to Section 2 of  
22 the act adding this amendatory language, and review the need  
23 for detention or shelter care, including reviewing the written  
24 notice of the person who took the child into custody without  
25 an order of the juvenile court and the results of the  
26 detention risk assessment tool, and shall direct the law  
27 enforcement officer or other person currently having the child

1 in custody to release the child unless detention or shelter  
2 care is required pursuant to Section 12-15-128. The juvenile  
3 court intake officer may allow release with or without  
4 electronic or telephone monitoring pending the 72-hour hearing  
5 requirement.

6 "(c) A person taking a child or minor into custody  
7 pursuant to subdivision (3) of subsection (a) of Section  
8 12-15-125 shall bring the child or minor to a medical or  
9 mental health facility if the child or minor is believed to be  
10 suffering from a serious mental health condition, illness, or  
11 injury which requires either prompt treatment or prompt  
12 diagnosis for the welfare of the child or minor or for  
13 evidentiary purposes, and, in the most expeditious manner  
14 possible, give notice of the action taken together with a  
15 statement of taking the child or minor into custody in writing  
16 to the court, the parents, legal guardian or other legal  
17 custodian and to the intake office and to the Department of  
18 Human Resources in the case of a dependency allegation.

19 "§12-15-128.

20 "(a) An allegedly delinquent child, dependent child,  
21 or child in need of supervision lawfully taken into custody  
22 shall immediately be released, upon the ascertainment of the  
23 necessary facts and in a case of a child alleged to be  
24 delinquent and where detention is requested, upon  
25 consideration of the statewide detention risk assessment tool,  
26 developed pursuant to Section 2 of the act adding this  
27 amendatory language, to the care, custody, and control of the

1 parent, legal guardian, or legal custodian of the child or  
2 other suitable person able to provide supervision and care for  
3 the child, unless the juvenile court or juvenile court intake  
4 officer, subject to the limitations in Section 12-15-208,  
5 finds any of the following:

6 "(1) The child has no parent, legal guardian, legal  
7 custodian, or other suitable person able to provide  
8 supervision and care for the child.

9 "(2) The release of the child would present a clear  
10 and substantial threat of a serious nature to the person or  
11 property of others and where the child is alleged to be  
12 delinquent.

13 "(3) The release of the child would present a  
14 serious threat of substantial harm to the child.

15 "(4) The child ~~has a history~~ is at risk of failing  
16 to appear at a future court hearing based upon a recent record  
17 of failing to appear for hearings before the juvenile court.

18 "(5) The child is alleged to be delinquent for  
19 possessing a pistol, short-barreled rifle, or short-barreled  
20 shotgun, in which case the child may be detained in a juvenile  
21 detention facility until the hearing required by Section  
22 12-15-207. Pistol as used in this section shall be as defined  
23 in subdivision (1) of Section 13A-11-70. Short-barreled rifle  
24 and short-barreled shotgun as used in this section shall be as  
25 defined in Section 13A-11-62.

26 "(b) Detention shall not be used as a result of a  
27 parent, legal guardian, or legal custodian avoiding his or her

1 legal responsibility to provide supervision and care for the  
2 child.

3 "(c) A child alleged to be in need of supervision  
4 shall not be placed in detention except pursuant to Section  
5 12-15-208.

6 "(d) The length of stay in detention  
7 pre-adjudication may not exceed 30 days, except in those cases  
8 where a petition has been filed pursuant to Section 12-15-203.

9 ~~"(b)~~ (e) The criteria for continuing the allegedly  
10 delinquent child or child in need of supervision in detention  
11 or shelter or other care, or for continuing the allegedly  
12 dependent child in shelter or other care, as set forth in  
13 subsection (a) shall govern the decisions of all persons  
14 involved in determining whether the continued detention or  
15 shelter care is warranted pending juvenile court disposition  
16 and those criteria shall be supported by clear and convincing  
17 evidence in support of the decision not to release the child.

18 ~~"(c)~~ (f) In releasing a child, a juvenile court or  
19 the juvenile court intake officer may impose restrictions on  
20 the travel, association, or place of abode of the child or  
21 place the child under the supervision of a department, agency,  
22 or organization agreeing to supervise him or her, and may  
23 place the child under supervision such as electronic or  
24 telephone monitoring, if available. A child, once placed in  
25 detention, may also be released pursuant to the same  
26 conditions should there be a need to release the child from a

1 juvenile detention facility because of an overcrowded  
2 population.

3 "§12-15-132.

4 "(a) A child on probation or aftercare incident to  
5 an adjudication as a delinquent child or a child in need of  
6 supervision who violates the terms of his or her probation or  
7 aftercare may be proceeded against for a revocation of the  
8 order.

9 "(b) A proceeding to revoke probation or aftercare  
10 shall be commenced by the filing of a petition entitled  
11 "petition to revoke probation" or "petition to revoke  
12 aftercare." Except as otherwise provided, these petitions  
13 shall be screened, reviewed, and prepared in the same manner  
14 and shall contain the same information as provided in Sections  
15 12-15-120 and 12-15-121. The petition shall recite the date  
16 that the child was placed on probation or aftercare and shall  
17 state the time and manner in which notice of the terms of  
18 probation or aftercare was given.

19 "(c) Probation or aftercare revocation proceedings  
20 shall require clear and convincing evidence. In all other  
21 respects, proceedings to revoke probation or aftercare shall  
22 be governed by the procedures, safeguards, and rights and  
23 duties applicable to delinquency and child in need of  
24 supervision cases contained in this chapter.

25 "(d) If a child is found to have violated the terms  
26 of his or her probation or aftercare pursuant to a revocation  
27 hearing, the juvenile court may extend the period of probation

1 or aftercare or make any other order of disposition specified  
2 for a child adjudicated delinquent or in need of supervision  
3 pursuant to Section 12-15-215, except that the juvenile court  
4 may not place a child into the custody of the Department of  
5 Youth Services or a residential facility funded by the  
6 Department of Youth Services, but may place a child into  
7 another residential facility subject to other provisions of  
8 law.

9 "(e) A violation of probation for a child in need of  
10 supervision is not an adjudication of delinquency.

11 "§12-15-203.

12 "(a) A prosecutor, before a hearing on a delinquency  
13 petition on its merits and after notifying, verbally or in  
14 writing, the juvenile probation officer, may file a motion  
15 requesting the juvenile court judge to transfer a child for  
16 criminal prosecution to the circuit or district court, if the  
17 child was 14 or more years of age at the time of the conduct  
18 charged and is alleged to have committed an act which would  
19 constitute ~~a criminal offense as defined by this code~~ a Class  
20 A, Class B, or Class C felony if committed by an adult.

21 "(b) The juvenile court judge shall conduct a  
22 hearing on all motions for the purpose of determining whether  
23 it is in the best interests of the child or the public to  
24 grant the motion. Only if there are no reasonable grounds to  
25 believe the child is committable to an institution,  
26 department, or agency for individuals with an intellectual



1 disability or mental illness, may the juvenile court judge  
2 order the case transferred for criminal prosecution.

3 "(c) When there are grounds to believe that the  
4 child is committable to an institution, department, or agency  
5 for individuals with an intellectual disability or mental  
6 illness, the juvenile court judge shall order an examination  
7 pursuant to Section 12-15-130.

8 "(d) Evidence of the following and other relevant  
9 factors shall be considered in determining whether the motion  
10 shall be granted:

11 "(1) The nature of the present alleged offense.

12 "(2) The extent and nature of the prior delinquency  
13 record of the child.

14 "(3) The nature of past treatment efforts and the  
15 nature of the response of the child to the efforts.

16 "(4) Demeanor.

17 "(5) The extent and nature of the physical and  
18 mental maturity of the child.

19 "(6) The interests of the community and of the child  
20 requiring that the child be placed under legal restraint or  
21 discipline.

22 "(e) Prior to a hearing on the motion by the  
23 prosecutor, a written study and report to the juvenile court  
24 judge, relevant to the factors listed in subsection (d), shall  
25 be made by a juvenile probation officer.

26 "(f) When a child is transferred for criminal  
27 prosecution, the juvenile court judge shall set forth in

1 writing his or her reasons for granting the motion, which  
2 shall include a finding of probable cause for believing that  
3 the allegations are true and correct.

4 "(g) The finding of probable cause by the juvenile  
5 court judge shall preclude the necessity for a preliminary  
6 hearing subsequent to the transfer of the case for criminal  
7 prosecution, and the court having jurisdiction of the offense  
8 or offenses charged may exercise any authority over the case  
9 and the child, subsequent to the transfer, which is otherwise  
10 applicable to cases involving adult offenders pursuant to  
11 provisions of laws or rules of procedure adopted by the  
12 Supreme Court of Alabama.

13 "(h) A child who is transferred to a court for  
14 criminal prosecution shall be tried as an adult for the  
15 offense charged and all offenses arising from the same facts  
16 and circumstances and committed at the same time as the  
17 offense charged together with all lesser included offenses of  
18 the offense charged.

19 "(i) A conviction or adjudication as a youthful  
20 offender of a child of a criminal offense, with the exception  
21 of a nonfelony traffic offense, shall terminate the  
22 jurisdiction of the juvenile court over that child with  
23 respect to any future delinquent acts and with respect to any  
24 pending allegations of delinquency which have not been  
25 disposed of by the juvenile court at the time of the criminal  
26 conviction or adjudication as a youthful offender. Any pending  
27 or future criminal acts committed by the child shall be

1 prosecuted as other criminal charges are prosecuted.  
2 Termination of the jurisdiction of the juvenile court over the  
3 child with respect to future criminal charges and pending  
4 allegations of delinquency, as provided herein, shall not  
5 affect the jurisdiction of the juvenile court over the child  
6 with respect to any other matter provided in this chapter,  
7 specifically including any prior allegations of delinquency  
8 which, at the time of the criminal conviction, has been  
9 disposed of by the juvenile court either through informal  
10 adjustment, consent decree, or adjudication. The juvenile  
11 court is specifically authorized, to the extent practicable,  
12 to continue exercising its jurisdiction over the child with  
13 respect to such previously disposed delinquency cases after  
14 the termination of its jurisdiction with respect to other  
15 criminal charges, including jurisdiction to enforce its order  
16 requiring the payment of fines, costs, restitution, or other  
17 money ordered by the juvenile court pursuant to Section  
18 12-15-117.

19 "§12-15-204.

20 "(a) Notwithstanding any other provision of law, any  
21 person who has attained the age of 16 years at the time of the  
22 conduct charged and who is charged with the commission of any  
23 act or conduct, which if committed by an adult would  
24 constitute any of the following, shall not be subject to the  
25 jurisdiction of juvenile court but shall be charged, arrested,  
26 and tried as an adult:

27 "(1) A capital offense.

1           "(2) A Class A felony.

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

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

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

9           "a. A law enforcement officer or official.

10          "b. A correctional officer or official.

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

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

13          "e. A district attorney or other prosecuting officer  
14 or official.

15          "f. A judge or judicial official.

16          "g. A court officer or official or a detention  
17 officer.

18          "h. A person who is a grand juror, juror, or witness  
19 in any legal proceeding of whatever nature when the offense  
20 stems from, is caused by, or is related to the role of the  
21 person as a juror, grand juror, or witness.

22          "i. A teacher, principal, or employee of the public  
23 education system of Alabama.

24          "(6) Trafficking in drugs in violation of Section  
25 13A-12-231, or as the same may be amended.

26          "(7) Any lesser included offense of the above  
27 offenses charged or any lesser ~~felony~~ offense charged arising

1 from the same facts and circumstances and committed at the  
2 same time as the offenses listed above. Provided, however,  
3 that the juvenile court shall ~~maintain~~ have original  
4 jurisdiction over these lesser included offenses if the grand  
5 jury fails to indict for any of the offenses enumerated in  
6 ~~subsections~~ subsection (a) ~~(1) to (a) (6), inclusive~~. The  
7 juvenile court shall also ~~maintain~~ have original jurisdiction  
8 over these lesser included offenses, subject to double  
9 jeopardy limitations, if the court handling criminal offenses  
10 dismisses all charges for offenses enumerated in ~~subsections~~  
11 subsection (a) ~~(1) to (a) (6), inclusive~~.

12 " (b) Notwithstanding any other provision of law, any  
13 person who has been convicted or adjudicated a youthful  
14 offender in a court handling criminal offenses pursuant to the  
15 provisions of this section shall not thereafter be subject to  
16 the jurisdiction of juvenile court for any pending or  
17 subsequent offense. Provided, however, pursuant to Section  
18 12-15-117, the juvenile court shall retain jurisdiction over  
19 an individual of any age for the enforcement of any prior  
20 orders of the juvenile court requiring the payment of fines,  
21 court costs, restitution, or other money ordered by the  
22 juvenile court until paid in full.

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

27 "§12-15-207.

1           "(a) When a child is not released from detention or  
2 shelter care as provided in Section 12-15-127, a petition  
3 shall be filed and a hearing held within 72 hours of placement  
4 in detention or shelter care, Saturdays, Sundays, and holidays  
5 included, to determine probable cause and to determine whether  
6 or not continued detention or shelter care is required.

7           "(b) Notice of the detention or shelter care  
8 hearing, either verbal or written, stating the date, time,  
9 place, and purpose of the hearing and the right to counsel  
10 shall be given by a juvenile probation officer to the parent,  
11 legal guardian, or legal custodian if they can be found and to  
12 the child if the child is over 12 years of age.

13           "(c) At the commencement of the detention or shelter  
14 care hearing, the juvenile court shall advise the parent,  
15 legal guardian, legal custodian, and the parties of the right  
16 to counsel and shall appoint counsel if the juvenile court  
17 determines they are indigent. The parties shall be informed of  
18 the right of the child to remain silent. The parent, legal  
19 guardian, legal custodian, and the parties shall also be  
20 informed of the contents of the petition and, except as  
21 provided herein, shall be given an opportunity to admit or  
22 deny the allegations of the petition. Prior to the acceptance  
23 of an admission of the allegations of the petition, the  
24 juvenile court shall: (1) Verify if the child was previously  
25 convicted or adjudicated a youthful offender pursuant to  
26 Section 12-15-203 or (2) rule on any motion of the prosecutor  
27 requesting the juvenile court to transfer the child for

1 criminal prosecution. The juvenile court shall not accept a  
2 plea of guilt or an admission to the allegations of the  
3 petition in any case in which the child will be transferred  
4 for prosecution as an adult, either by grant of the motion of  
5 the prosecutor to transfer or pursuant to Section 12-15-203.

6 "(d) All relevant and material evidence helpful in  
7 determining the need for detention or shelter care may be  
8 admitted by the juvenile court even though not admissible in  
9 subsequent hearings, including the results of a detention risk  
10 assessment.

11 "(e) If the child is not released and no parent,  
12 legal guardian, or other legal custodian has been notified and  
13 none appeared or waived appearance at the hearing, upon the  
14 filing of an affidavit by the parent, legal guardian, or legal  
15 custodian stating these facts and requesting a hearing, the  
16 juvenile court shall rehear the matter within 24 hours

17 "(f) If a person 18 years of age or older is alleged  
18 to have violated a condition of probation or aftercare after  
19 the person was adjudicated to be delinquent, and that person  
20 is eligible for detention pursuant to subsection (b) of  
21 Section 12-15-128, the juvenile court may order that the  
22 person be confined in the appropriate jail or lockup for  
23 adults as ordered by the juvenile court pursuant to the  
24 criteria listed in Section 12-15-208.

25 "(g) Video conferencing shall follow the procedures  
26 set out by the Supreme Court and may be used to conduct a

1 detention hearing unless one or more party objects and the  
2 court finds good cause to hold the hearing in person.

3 "§12-15-209.

4 "(a) When the juvenile court finds, pursuant to  
5 subsection (b) of Section 12-15-128, that full-time detention  
6 or shelter care of a child is not required, the juvenile court  
7 shall order the release of the child, and in so doing, may  
8 impose one or more of the following conditions:

9 "(1) Place the child in the custody of a parent,  
10 legal guardian, legal custodian, or any other person whom the  
11 juvenile court deems proper, or place the child with a  
12 department, agency, or organization agreeing to supervise the  
13 child.

14 "(2) Place restrictions on the travel, association,  
15 or place of abode of the child during the period of his or her  
16 release, or place the child under electronic or telephone  
17 monitoring, if available.

18 "(3) Impose any other condition deemed reasonably  
19 necessary and consistent with the criteria for detaining  
20 children specified in Section 12-15-128, ~~including~~ other than  
21 a condition requiring that the child return to custody ~~as~~  
22 ~~required~~ or be placed in a residential facility except as  
23 otherwise provided for by law.

24 "(b) An order releasing a child on any conditions  
25 specified in subsection (a) may at any time be amended to  
26 impose additional or different conditions of release or to



1 return the child to custody for failure to conform to the  
2 conditions originally imposed.

3 "§12-15-211.

4 "(a) The juvenile court may suspend delinquency or  
5 child in need of supervision proceedings pursuant to a consent  
6 decree. The terms and conditions of the consent decree shall  
7 be agreed to by the child and his or her parent, legal  
8 guardian, or legal custodian. The consent decree shall be  
9 entered at any time after the filing of a delinquency or child  
10 in need of supervision petition and before the entry of an  
11 adjudication order. The child and his or her parent, legal  
12 guardian, or legal custodian shall be advised of their rights,  
13 including the right to counsel.

14 "(b) Where an objection is made by the prosecutor,  
15 the juvenile court, after considering the objection and the  
16 reasons therefor, shall proceed to determine whether it is  
17 appropriate to enter a consent decree.

18 "(c) A consent decree shall remain in force for six  
19 months unless the child is discharged sooner by the juvenile  
20 court. Upon application of a juvenile probation officer or  
21 other department or agency supervising the child, made before  
22 the expiration of the six-month period, a consent decree may  
23 be extended by the juvenile court for an additional six  
24 months.

25 "(d) If prior to discharge by the juvenile probation  
26 officer or expiration of the consent decree, a new delinquency  
27 or child in need of supervision petition is filed against the

1 child, or the child otherwise fails to fulfill express terms  
2 and conditions of the decree, the petition under which the  
3 child was continued under supervision may be reinstated after  
4 a hearing and the case may proceed to adjudication.

5 "(e) Upon satisfaction by the child of the  
6 conditions of the consent decree or upon the child being  
7 otherwise discharged by the juvenile court, the petition shall  
8 be dismissed with prejudice.

9 "(f) No fine, fee, or court cost shall be assessed  
10 against a child as part of a consent decree; however, a fee  
11 may be assessed against parents. Nothing in this subsection  
12 should be construed as prohibiting the assessment of  
13 supervision fees.

14 "(g) The juvenile court shall retain jurisdiction  
15 over an individual of any age for the enforcement of any prior  
16 orders of the juvenile court requiring the payment of court  
17 costs, restitution, or other money ordered by the juvenile  
18 court until paid in full.

19 "§12-15-215.

20 "(a) If the juvenile court finds on proof beyond a  
21 reasonable doubt, based upon competent, material, and relevant  
22 evidence, that a child committed the acts by reason of which  
23 the child is alleged to be delinquent or in need of  
24 supervision, it may proceed immediately to hear evidence as to  
25 whether the child is in need of care or rehabilitation and to  
26 file its findings thereon. In the absence of evidence to the  
27 contrary, a finding that the child has committed an act which

1 constitutes a felony is sufficient to sustain a finding that  
2 the child is in need of care or rehabilitation. If the  
3 juvenile court finds that the child is not in need of care or  
4 rehabilitation, it shall dismiss the proceedings and discharge  
5 the child from any detention or other temporary care  
6 theretofore ordered. If the juvenile court finds that the  
7 child is in need of care or rehabilitation, it may make any of  
8 the following orders or dispositions, subject to the  
9 limitations and prohibitions of this section, and the  
10 limitations on secure custody or placement in the custody of  
11 the Department of Youth Services contained in Section  
12 12-15-208 and Section 12-15-132:

13 "(1) Permit the child to remain with the parent,  
14 legal guardian, or other legal custodian of the child, subject  
15 to the conditions and limitations the juvenile court may  
16 prescribe in accordance with this section.

17 "(2) Place the child on probation pursuant to  
18 conditions and limitations the juvenile court may prescribe in  
19 accordance with this section.

20 "(3) Transfer legal and physical custody to any of  
21 the following:

22 "a. The Department of Youth Services, ~~with or~~  
23 ~~without an order to a specific institution~~.

24 "1. A child shall be eligible for placement with the  
25 department only upon adjudication under this section for  
26 either of the following:

27 "(i) A Class A, B, or C felony.

1           "(ii) A. A Class D felony or a misdemeanor; and

2           "B. The child has at least three prior felony or  
3 misdemeanor adjudications arising from separate incidents.

4           "2. The court may order specific conditions that the  
5 child must complete prior to release from custody of the  
6 department, provided the condition does not extend treatment,  
7 as approved by the department.

8           "3. The court may not order a determinate sentence  
9 for a child committed to custody of the department, except  
10 upon a finding that the child is a serious juvenile offender  
11 pursuant to Section 12-15-219.

12           4. Once a risk assessment has become available  
13 pursuant to Section 9 of the act adding this amendatory  
14 language, a court shall consider the contents and  
15 recommendations of the risk and needs assessment prior to  
16 placing any eligible child in the custody of the Department of  
17 Youth Services. If the risk assessment recommends against  
18 placement in the custody of the Department of Youth Services,  
19 a court may only make the placement if accompanied by express  
20 findings as to why placement is in the best interest of the  
21 child or the community.

22           "b. In the case of a child in need of supervision,  
23 ~~the Department of Youth Services, or~~ the Department of Human  
24 Resources; provided however 1. that prior to any transfer of  
25 custody to the Department of Human Resources, the case shall  
26 first be referred to the county children's services  
27 facilitation team, which must proceed according to Article 5;

1 and 2. that the child's commission of one or more status  
2 offenses shall not constitute a sufficient basis for transfer  
3 of legal or physical custody to the Department of Human  
4 Resources. Upon referral to the county children's services  
5 facilitation team, the juvenile probation officer shall  
6 continue to provide case management to the status offender  
7 unless the county children's services facilitation team  
8 appoints another person to act as case manager. The juvenile  
9 probation officer shall participate in county children's  
10 services facilitation team meetings and share records  
11 information and reports on the status offender with the county  
12 children's services facilitation team. When the juvenile court  
13 transfers legal and physical custody to the Department of  
14 Human Resources, all requirements which shall be met for a  
15 child to be eligible for federal funding shall apply,  
16 including, but not limited to, the requirements set out in  
17 Sections 12-15-312, 12-15-315, and 12-15-317.

18 "c. A local, public, or private agency,  
19 organization, or facility willing and able to assume the  
20 education, care, and maintenance of the child and which is  
21 licensed or otherwise authorized by law to receive and provide  
22 care for children.

23 "d. During the term of supervision, a relative or  
24 other individual who is found by the juvenile court to be  
25 qualified to receive and care for the child.

26 "e. This subdivision applies to a child not in the  
27 legal or physical custody of the Department of Youth Services

1 but ordered to be placed in a residential facility operated or  
2 funded by the Department of Youth Services.

3           "(4) Make any other order as the juvenile court in  
4 its discretion shall deem to be for the welfare and best  
5 interests of the child after consideration of the results of a  
6 validated risk and needs assessment, including random drug  
7 screens, ~~assessment of fines not to exceed two hundred fifty~~  
8 ~~dollars (\$250)~~, and restitution against the parent, legal  
9 guardian, legal custodian, or child, as the juvenile court  
10 deems appropriate. Costs for juvenile court-ordered drug  
11 screening may not be ordered against the child, but may be  
12 ordered against the parents, or may be ordered paid for by the  
13 state out of moneys appropriated as "court costs not otherwise  
14 provided for." Restitution against the parent, legal guardian,  
15 legal custodian, or child shall be governed by the same  
16 principles applicable in the Restitution to Victims of Crime  
17 Act, commencing with Section 15-18-65, and restitution ordered  
18 against the parents shall be limited to five thousand dollars  
19 (\$5,000) collectively, except that restitution may only be  
20 assessed for material loss, which means uninsured property  
21 loss, uninsured out-of-pocket monetary loss, uninsured lost  
22 wages, and uninsured medical expenses.

23           "(5) Direct the parent, legal guardian, or legal  
24 custodian of the child to perform reasonable acts as are  
25 deemed necessary to promote the best interests of the child.

26           "(6) In any case where a child is adjudicated  
27 delinquent for possessing a pistol, short-barreled rifle, or

1 short-barreled shotgun, any pistol, short-barreled rifle, or  
2 short-barreled shotgun possessed by that child is forfeited  
3 and shall be ordered to be destroyed by the juvenile court.

4 "(b) No child by virtue of a disposition pursuant to  
5 this section shall be committed or transferred to a penal  
6 institution or other facility used for the execution of  
7 sentences of persons convicted of a crime.

8 "(c) No child in need of supervision, unless also a  
9 delinquent child, shall be ordered to be placed in an  
10 institution or facility established for the care and  
11 rehabilitation of delinquent children ~~unless the juvenile~~  
12 ~~probation officer submits a written recommendation and the~~  
13 ~~juvenile court finds upon a further hearing that the child is~~  
14 ~~not amenable to treatment or rehabilitation pursuant to any~~  
15 ~~prior disposition.~~

16 ~~"In determining if a child is not amenable to~~  
17 ~~treatment or rehabilitation, the juvenile court shall consider~~  
18 ~~evidence of the following and other relevant factors:~~

19 ~~"(1) Prior treatment efforts, such as, but not~~  
20 ~~limited to:~~

21 ~~"a. Mental health counseling, if any.~~

22 ~~"b. Individualized educational plans, if any.~~

23 ~~"c. Other educational records.~~

24 ~~"d. Individualized service plans, if any.~~

25 ~~"(2) The age of the child.~~

26 ~~"(3) The history of the child being involved with~~  
27 ~~the juvenile court, including, but not limited to, informal~~

1 ~~adjustments, consent decrees, adjudications, and prior~~  
2 ~~placements.~~

3 ~~"(4) Other factors contributing to the behavioral~~  
4 ~~difficulties of the child.~~

5 ~~"The written recommendations of the juvenile~~  
6 ~~probation officer shall include evidence of the foregoing and~~  
7 ~~other relevant factors.~~

8 "(d) When a delinquent child may be committable to  
9 the Department of Mental Health, the juvenile court shall  
10 proceed as provided in Article 4, commencing with Section  
11 12-15-401.

12 "(e) Whenever the juvenile court vests legal custody  
13 in an agency or department, it shall transmit with the order  
14 copies of the clinical reports, predisposition study, and  
15 other information it has pertinent to the care and treatment  
16 of the child.

17 "(f) When a child is placed in the legal custody of  
18 a department, agency, organization, entity, or person as  
19 provided in this section, when the parent, legal guardian, or  
20 legal custodian of the child has resources for child support,  
21 the juvenile court shall order child support in conformity  
22 with the child support guidelines as set out in Rule 32,  
23 Alabama Rules of Judicial Administration. The child support  
24 shall be paid to the department, agency, organization, entity,  
25 or person in whose legal custody the child is placed and may  
26 be expended for those matters that are necessary for the  
27 welfare and well-being of those children placed in the



1 departments, agencies, organizations, entities, or persons. In  
2 these cases, the juvenile court shall issue income withholding  
3 orders subject to state law.

4 "(g) Whenever the juvenile court commits a child to  
5 a state or local department or agency or orders a state or  
6 local department or agency to provide services or treatment  
7 for a child, that department or agency shall accept the child  
8 for commitment, ordered services, or treatment within seven  
9 days of the order of the juvenile court. Notwithstanding the  
10 foregoing, if compliance with the order of the juvenile court  
11 within seven days, including Section 44-1-24, would ~~place a~~  
12 ~~department or agency in violation of either a state statute or~~  
13 ~~standard~~ create a health or safety risk for the child or other  
14 children placed with the department or agency, then compliance  
15 is not required for a period of not more than 30 days from  
16 notification.

17 "(h) (1) The proper length of supervision, from  
18 initial disposition to final discharge, including any time  
19 spent on nonresidential probation or on aftercare, not  
20 including any extensions for violations of probation or  
21 aftercare, shall be assumed to be equal or less than the  
22 periods set out in paragraphs a. through d.; however, such  
23 probation or aftercare may be extended for up to six months at  
24 a time when the court finds doing so is in the best interest  
25 of the child:

26 "a. For a child adjudicated as a child in need of  
27 supervision, nine months.

1           "b. For a child adjudicated delinquent for an  
2 offense which would be a misdemeanor if it were committed by  
3 an adult, 12 months.

4           "c. For a child adjudicated delinquent for an  
5 offense which would be a Class C or D felony if it were  
6 committed by an adult, 15 months.

7           "d. For a child adjudicated delinquent for an  
8 offense which would be a Class A or B felony if it were  
9 committed by an adult, 18 months, except that for those  
10 offenses for which a child would be automatically transferred  
11 pursuant to Section 12-15-204 if the child was 16 or 17 years  
12 old, the limitation does not apply.

13           "(2) For the purposes of this subsection, a child's  
14 maximum recommended length of probation supervision should be  
15 based on the most serious adjudicated charge arising from a  
16 single incident.

17           "(3) For the purposes of this subsection, if a child  
18 is adjudicated on multiple charges, the court may not apply  
19 the maximum length of supervision for the charges  
20 consecutively. If a child is adjudicated for multiple cases  
21 simultaneously, the court shall apply the maximum length of  
22 supervision for all charges concurrently.

23           "(4) For a child adjudicated for a delinquency  
24 offense, probation may not exceed 12 months, unless extended  
25 by an order of the court.

1           "(i) The court may not order against any child any  
2 fine, fee, or court cost; however, a fine, fee, or court cost  
3 may be ordered against the parents.

4           "(j) The juvenile court may continue exercising its  
5 jurisdiction over the child with respect to previously  
6 disposed delinquency cases after the termination of its  
7 jurisdiction with respect to other criminal charges, including  
8 jurisdiction to enforce its order requiring the payment of  
9 finances, costs, restitution, or other money ordered by the  
10 juvenile court pursuant to Section 12-15-117.

11           "(k) Upon release from custody of the Department of  
12 Youth Services, the court may place a child on aftercare  
13 supervision, pursuant to Section 44-1-36, for up to six months  
14 at a time, which term shall expire six months after entry of  
15 the order beginning the aftercare unless renewed by court  
16 order prior to that time, except that where the commitment was  
17 for those offenses for which a child would be automatically  
18 transferred pursuant to Section 12-15-204 if the child was 16  
19 or 17 years old, the six-month limitation does not apply.

20           "(l) In issuing an order of probation pursuant to  
21 subdivision (a) (2), the juvenile court shall only issue orders  
22 that adhere to the following limitations:

23           "(1) Probation conditions shall only be ordered  
24 after consideration of the results of a validated risk and  
25 needs assessment pursuant to Section 9 of the act adding this  
26 amendatory language.

1           "(2) The results of a validated risk and needs  
2 assessment, pursuant to Section 9 of the act adding this  
3 amendatory language and Section 12-15-221 shall be considered  
4 prior to making any modifications of supervision conditions.

5           "(3)a. The court may not order that a child be  
6 placed in secure custody or a residential facility upon  
7 violation of probation or aftercare, unless the placement  
8 would have been allowable under the original adjudication from  
9 which the violation of probation or aftercare arose.

10           "b.1. Notwithstanding anything to the contrary in  
11 this subdivision, the court, in addition to all other  
12 sanctions, may order that a child be placed in detention upon  
13 a violation of probation or aftercare of either an  
14 adjudication of delinquency or child in need of supervision,  
15 for the following time periods:

16           "(i) Up to 24 hours for a first violation.

17           "(ii) Up to 48 hours for a second or subsequent  
18 violation.

19           "2. An order to detention under this paragraph may  
20 be either a short-term detention facility or a regional or  
21 county detention facility.

22           "(4) No person shall be ordered into placement in a  
23 residential facility, detention, or jail for non-payment of  
24 finances, fees, court costs, or restitution unless the court  
25 finds by clear and convincing evidence that the person had the  
26 ability to pay and willfully refused to do so.

27           "§12-15-221.

1           "(a) An order awarding legal custody or an order of  
2 probation made by the juvenile court in the case of a child  
3 may be modified, revoked, or extended on motion by:

4           "(1) A child, whose legal custody has been  
5 transferred to a department, institution, agency, or person,  
6 requesting the juvenile court for a modification or  
7 termination of the order, alleging that the child is no longer  
8 in need of placement or probation and the department,  
9 institution, agency, or person has denied application for  
10 release of the child or has failed to act upon the application  
11 within a reasonable time; or

12           "(2) A department, institution, agency, or person  
13 vested with legal custody or responsibility for probation,  
14 requesting the juvenile court for a modification, an  
15 extension, or a termination of the order on the grounds that  
16 the action is in the best interests of the child or necessary  
17 to safeguard the welfare of the child or the public interest.

18           "(b) The juvenile court may dismiss the motions  
19 filed pursuant to subsection (a) if, after preliminary  
20 investigation, it finds that they are without substance. If  
21 the juvenile court is of the opinion that the order should be  
22 reviewed, upon due notice to all necessary parties as  
23 prescribed by rules of court, it may proceed to a hearing in  
24 the same manner and under the same safeguards provided for in  
25 this chapter for the issuance of the original order. It may  
26 thereupon terminate the order if it finds the child is no  
27 longer in need of care or rehabilitation or it may enter an

1 order extending or modifying the original order if it finds  
2 this action necessary to safeguard the child or the public  
3 interest.

4 "(c) The juvenile court shall only extend probation  
5 or add additional conditions upon adjudication of a violation  
6 of probation and consistent with the results of a validated  
7 risk and needs assessment as provided in subsection (k) of  
8 Section 12-15-215.

9 "§12-15-701.

10 "(a) For the purposes of this section, sexually  
11 exploited child shall mean an individual under the age of 18  
12 years who is under the jurisdiction of the juvenile court and  
13 who has been subjected to sexual exploitation because he or  
14 she is any of the following:

15 "(1) A victim of the crime of human trafficking  
16 sexual servitude as provided in Section 13A-6-150, et seq.

17 "(2) Engaged in prostitution as provided in Section  
18 13A-12-120 or 13A-12-121.

19 "(3) A victim of the crime of promoting prostitution  
20 as provided in Section 13A-12-111, 13A-12-112, or 13A-12-113.

21 "(b) A sexually exploited child may not be  
22 adjudicated delinquent or convicted of a crime of prostitution  
23 as provided in Section 13A-12-120 or 13A-12-121, or any  
24 municipal ordinance prohibiting such acts.

25 "(c) In any proceeding based upon a child's arrest  
26 for an act of prostitution, there is a presumption that the

1 child satisfies the definition of a sexually exploited child  
2 as provided in this section.

3 "(d) If a law enforcement officer or a person seeks  
4 to file a complaint against a child for an offense of  
5 prostitution as provided in Section 13A-12-120 or 13A-12-121,  
6 the juvenile court intake officer shall evaluate the complaint  
7 to determine if the child is a sexually exploited child and  
8 could have another complaint filed stating that the child is  
9 alleged to be in need of supervision or alleged to be  
10 dependent, and not a child alleged to be delinquent, pursuant  
11 to Rule 12 of the Alabama Rules of Juvenile Procedure. A  
12 juvenile probation officer who is designated to be a juvenile  
13 court intake officer may determine if a child alleged to be in  
14 need of supervision is appropriate for an informal adjustment  
15 ~~pursuant to~~ subject to Section 12-15-119 and Rule 15 of the  
16 Alabama Rules of Juvenile Procedure.

17 "(e) If a petition alleging that a sexually  
18 exploited child is in need of supervision or is dependent is  
19 filed, a sexually exploited child may be adjudicated a child  
20 in need of supervision or a dependent child pursuant to  
21 Section 12-15-102(4) and (8). Once the sexually exploited  
22 child is adjudicated, the juvenile court shall retain  
23 jurisdiction over the sexually exploited child and may enforce  
24 prior orders requiring payment of court-ordered monies  
25 pursuant to Section 12-15-117. The juvenile court may issue  
26 any requisite order or conduct any hearing necessary to  
27 protect the health or safety of a sexually exploited child

1 that is determined to be in the best interests of the child.  
2 The juvenile court may also, on an emergency basis, enter an  
3 order of protection or restraint to protect the health or  
4 safety of a sexually exploited child.

5 "(f) A sexually exploited child who commits an act  
6 of prostitution as provided in Section 13A-12-120 or  
7 13A-12-121 may not be transferred from the jurisdiction of  
8 juvenile court to any adult court pursuant to Section  
9 12-15-203, except in those cases where the child has been  
10 convicted or adjudicated a youthful offender divesting the  
11 juvenile court of jurisdiction as provided in Sections  
12 12-15-203(i) and 12-15-204(b).

13 "(g) A sexually exploited child who commits an act  
14 of prostitution as provided in Section 13A-12-120 or  
15 13A-12-121 shall be afforded all rights pursuant to Section  
16 12-15-202.

17 "(h) All social and community services shall be made  
18 available to a sexually exploited child. Services may include,  
19 but are not limited to, any of the following:

20 "(1) Forensic evidence collection.

21 "(2) Forensic interviewing.

22 "(3) Counseling.

23 "(4) Advocacy.

24 "(5) Shelter.

25 "(6) Alcohol or substance abuse treatment.

26 "(7) Mental health services.

27 "(8) Medical treatment.



1           "(9) Legal services.

2           "(10) Educational tutoring, counseling, and language  
3 interpreter services.

4           "(11) Crisis intervention services.

5           "(12) Safety planning.

6           "(13) Investigation and prosecution of the  
7 individuals subjecting the child to sexual exploitation or  
8 abuse.

9           "§12-25-9.

10           "The commission shall have the following  
11 responsibilities:

12           "(1) To review state sentencing structure, including  
13 laws, policies, and practices, and recommend changes to the  
14 criminal code, criminal rules of procedure, and other aspects  
15 of sentencing necessary to accomplish the purposes and  
16 objectives of this article.

17           "(2) To review the overcrowding problem in county  
18 jails, with particular emphasis on funding for the county  
19 jails and the proper removal of state prisoners from county  
20 jails pursuant to state law and state and federal court  
21 orders, and to make recommendations for resolution of these  
22 issues to the Governor, Legislature, Attorney General, and  
23 Judicial System Study Commission before the 2002 Regular  
24 Legislative Session.

25           "(3) To make recommendations to the Governor,  
26 Legislature, Attorney General, and Judicial System Study  
27 Commission concerning the enactment of laws relating to

1 criminal offenses, sentencing, and correctional or probation  
2 matters.

3 "(4) To publish an annual report and other reports  
4 as the chair deems necessary.

5 "(5) To serve as a clearinghouse for the collection,  
6 preparation, and dissemination of information on sentencing  
7 practices.

8 "(6) To maintain and make available for public  
9 inspection records of actions taken by the commission.

10 "(7) To serve as a partner to the Juvenile Justice  
11 Fund Oversight Committee in accordance with Section 7 of the  
12 act adding this amendatory language to do all of the  
13 following:

14 "a. Collect juvenile justice data.

15 "b. Monitor custody orders committing youth to the  
16 Department of Youth Services and report comprehensive data on  
17 orders that commit ineligible youth to the department to the  
18 committee.

19 "c. Report juvenile justice data regularly to the  
20 committee.

21 "§16-28-2.2.

22 "(a) Local boards of education, pursuant to  
23 guidelines established by the State Board of Education, shall  
24 establish educational programs to inform parents of school  
25 children of their education-related responsibilities to their  
26 children. The programs shall include, but shall not be limited  
27 to, coverage of each of the following topics:

1           "(1) The criminal liability and criminal sanctions  
2 parents may be subject to under Section 16-28-12, for failing  
3 to compel their child to properly conduct himself or herself  
4 as a pupil, or for failing to ensure that their child attends  
5 school or enrolls in school.

6           "(2) The necessity for a parent to monitor and  
7 supervise the school work and educational activities of the  
8 child.

9           "(3) An explanation of the responsibilities of  
10 teachers and the school system to a child, and an enumeration  
11 of those matters that are strictly the responsibility of the  
12 parent.

13           "(4) Techniques and suggestions to enable a parent  
14 to best supervise the school work and educational activities  
15 of the child.

16           "(5) An explanation of the interrelationship of the  
17 family life of a child and the educational achievement of the  
18 child.

19           "(6) An explanation of the services available to  
20 parents and families of school children that may be accessed  
21 in response to absenteeism and other school-related  
22 misconduct.

23           "(b) The State Board of Education and local boards  
24 of education shall develop strategies to ensure that parents  
25 of school children receive this information. These strategies  
26 may include provisions for weekend meetings, one-to-one

1 conferences, telephone communications, and neighborhood  
2 meetings.

3 "(c) Local district attorneys and law enforcement  
4 officials shall, at the request of the local board of  
5 education, assist in the implementation and operation of this  
6 section.

7 "§16-28-8.

8 "All school officers, including those in private  
9 schools, or private tutors, but not those in church schools,  
10 in this state offering instruction to pupils within the  
11 compulsory attendance ages, shall make and furnish all reports  
12 that may be required by the State Superintendent of Education  
13 and by the county superintendent of education or by the board  
14 of education of any city with reference to the workings of  
15 this article. The principal teacher of each public school,  
16 private school, church school and each private tutor shall  
17 keep an attendance register showing the enrollment of the  
18 school and every absence of each enrolled child from school  
19 for a half day or more during each school day of the year,  
20 along with any efforts made to intervene with the child and  
21 that child's family to address school absence.

22 "§16-28-13.

23 "No parent, guardian or other person having control  
24 or charge of any child shall be convicted for failure to have  
25 said child enrolled in school or for failure to send a child  
26 to school or for failure to require such child to regularly  
27 attend such school or tutor, or for failure to compel such

1 child to properly conduct himself as a pupil, if such parent,  
2 guardian or other person having control or charge of such  
3 child can establish to the reasonable satisfaction of the  
4 court the following:

5 "(1) That the principal teacher in charge of said  
6 school which he attends or should attend or the tutor who  
7 instructs or should instruct said child gave permission for  
8 the child to be absent; or

9 "(2) That such parent, guardian or other person is  
10 unable to provide necessary books and clothes in order that  
11 the child may attend school in compliance with law, and that  
12 such parent, guardian or other person had prior to the opening  
13 of the school, or immediately after the beginning of such  
14 dependency, reported such dependent condition to the juvenile  
15 court of the county and offered to turn the child over to the  
16 State Department of Human Resources as a dependent child; or

17 "(3) That such parent, guardian or other person has  
18 made a bona fide effort to control such child and is unable to  
19 do so, and files in court a written statement that he is  
20 unable to control such child; or

21 "(4) That there exists a good cause or valid excuse  
22 for such absence; or

23 "(5) That such parent, guardian or other person has  
24 made a bona fide, diligent effort to secure the regular  
25 attendance of such child and that the absence was without his  
26 knowledge, connivance or consent.

1 "A good cause or valid excuse, as used in this  
2 section, exists when on account of sickness or other condition  
3 attendance was impossible or entirely inadvisable or  
4 impracticable or when, by virtue of the extraordinary  
5 circumstances, the absence is generally recognized as  
6 excusable; or

7 "(6) That the school did not make reasonable efforts  
8 to engage the parent, guardian, or other person having control  
9 or charge of the child in an early warning truancy prevention  
10 program established pursuant to Section 4 of the act adding  
11 this amendatory language prior to filing a complaint.

12 "§16-28-14.

13 "In case any child becomes an habitual truant, or  
14 because of irregular attendance or misconduct has become a  
15 menace to the best interest of the school which he is  
16 attending or should attend, and the parent, guardian or other  
17 person files a written statement in court as provided in  
18 Section 16-28-13, stating that he is unable to control such  
19 child, and the child has been afforded the opportunity in the  
20 preceding 12 months to participate in an early warning truancy  
21 prevention program in the school or at home in response to the  
22 nonenrollment or nonattendance, the attendance officer must  
23 file a complaint before the judge of the juvenile court of the  
24 county, alleging the facts, whereupon such child must be  
25 proceeded against in the juvenile court for the purpose of  
26 ascertaining whether such child is a dependent, neglected or  
27 delinquent child.

1           "§16-28-16.

2           "(a) It shall be the duty of the county  
3 superintendent of education or the city superintendent of  
4 education, as the case may be, to require the attendance  
5 officer to investigate all cases of nonenrollment and of  
6 nonattendance. In all cases investigated where no valid reason  
7 for nonenrollment or nonattendance is found, the attendance  
8 officer shall give written notice to the parent, guardian, or  
9 other person having control of the child. In the event of the  
10 absence of the parent, guardian, or other person having  
11 control of the child from his or her usual place of residence,  
12 the attendance officer shall leave a copy of the notice with  
13 some person over 12 years of age residing at the usual place  
14 of residence, with instructions to hand the notice to the  
15 parent, guardian, or other person having control of the child,  
16 which notice shall require the attendance of the child at the  
17 school within three days from the date of the notice. In the  
18 event the investigation discloses that the nonenrollment or  
19 nonattendance was without valid excuse or good reason and  
20 intentional, the attendance officer shall be required to bring  
21 criminal prosecution against the parent, guardian, or other  
22 person having control of the child if the attendance officer  
23 also finds that the school has made reasonable efforts to  
24 engage the child in an early warning truancy prevention  
25 program established pursuant to Section 4 of the act adding  
26 this amendatory language in the school or at home in response  
27 to the nonenrollment or nonattendance.

1           "(b) Each child who is enrolled in a public school  
2 shall be subject to the attendance and truancy provisions of  
3 this article except that any parent or parents, guardian or  
4 guardians who voluntarily enrolls their child in public  
5 school, who feel that it is in the best interest of that child  
6 shall have the right to withdraw the child at any time prior  
7 to the current minimum compulsory attendance age.

8           "§16-28-17.

9           "It shall be the duty of the attendance officer,~~7~~  
10 ~~probation officer~~ or other officer authorized to execute writs  
11 of arrest to take into custody without warrant any child  
12 required to attend school or be instructed by a private tutor  
13 who is found away from home and not in the custody of the  
14 person having charge or control of such child during school  
15 hours and who has been reported by any person authorized to  
16 begin proceedings or prosecutions under the provisions of this  
17 article as a truant. Such child shall forthwith be delivered  
18 to the person having charge or control of said child or to the  
19 principal teacher of the school or the private tutor from whom  
20 ~~said~~ the child is a truant. If such child is an habitual  
21 truant, and the school has made reasonable efforts to engage  
22 the child in an early warning truancy prevention program in  
23 the school or at home in response to the child's nonattendance  
24 or nonenrollment, he or she shall be brought before the  
25 juvenile court for ~~such disposition as the judge of said court~~  
26 ~~finds proper from the facts~~ intake.

27           "§16-28-18.



1           "The attendance officer whose appointment is by this  
2 article provided for shall keep an accurate record of all  
3 notices served, all cases prosecuted and all other services  
4 performed and shall make an annual report of the same to the  
5 county board of education or to the city board of education by  
6 whom he or she is employed, and to the Alabama State  
7 Department of Education.

8           "§44-1-1.

9           "The purpose of this chapter is to promote and  
10 safeguard the social well-being and general welfare of the  
11 youth of the state through a comprehensive and coordinated  
12 program of public services for the prevention of juvenile  
13 delinquency and the rehabilitation of delinquent youth. This  
14 state program shall provide the following:

15           "(1) Social and educational services and facilities  
16 for any youth whom a juvenile judge deems in need of such  
17 state services except pursuant to subdivision (13) of Section  
18 44-1-24;

19           "(2) The establishment of standards for social and  
20 educational services and facilities for such youth;

21           "(3) Cooperation with public and voluntary agencies,  
22 organizations, and citizen groups in the development and  
23 coordination of programs and activities directed toward the  
24 prevention, control, and treatment of delinquency;

25           "(4) The promotion and improvement of community  
26 conditions, programs, and resources to aid parents in

1 discharging their responsibilities for the care, development,  
2 and well-being of their children; and

3 "(5) The promotion of improved communications  
4 between the public and voluntary agencies and bodies of this  
5 state responsible for ~~said~~ youth and the juvenile courts of  
6 this state.

7 "§44-1-24.

8 "The Department of Youth Services shall perform the  
9 following:

10 "(1) Provide services for youths who have run away  
11 from their own communities in this state or from their home  
12 communities in other states to this state, and provide such  
13 services, care, or cost for the youths as may be required  
14 pursuant to the provisions of the Interstate Compact on  
15 Juveniles.

16 "(2) Provide for the expansion of local detention  
17 care for youths alleged to be delinquent pending court  
18 hearing.

19 "(3) Secure the provision of medical, hospital,  
20 psychiatric, surgical, or dental service, or payment of the  
21 cost of such services, as may be needed for committed youths.

22 "(4) License and subsidize foster care facilities or  
23 group homes for youths alleged to be delinquent pending  
24 hearing before a juvenile court or adjudged delinquent  
25 following hearing, including detention, examination, study,  
26 care, treatment, and training.

1           "(5) Establish, maintain, and subsidize programs to  
2 train employees of the department, juvenile courts, and law  
3 enforcement personnel in such subject matters and techniques  
4 as may be necessary to assure efficient and effective  
5 administration of services in accordance with the purpose of  
6 this chapter.

7           "(6) Make and enforce all rules and regulations  
8 which are necessary and appropriate to the proper  
9 accomplishment of the duties and functions vested in the  
10 department by law with respect to youth services and which do  
11 not conflict with or exceed the provisions of law vesting the  
12 duties and functions in the department.

13           "(7)a. Enter into contracts with any other state or  
14 federal agency or with any private person, organization, or  
15 group capable of contracting, if the department finds the  
16 action to be in the public interest.

17           "b. Where contracts are for treatment,  
18 rehabilitative, and prevention services provided through the  
19 Juvenile Justice Reinvestment Fund, the contracts shall adhere  
20 to a system of performance-based contracting developed by the  
21 department.

22           "(8) Upon approval of the Attorney General, file and  
23 prosecute civil actions in any court in the name of the  
24 department to enforce this chapter and enforce such rules and  
25 regulations as may be promulgated under this chapter. Civil  
26 actions may include actions for an injunction to restrain any  
27 person, agency, or organization from violating any provision

1 of this chapter or any rule or regulation promulgated under  
2 this chapter.

3 "(9) Accept gifts, trusts, bequests, grants,  
4 endowments, or transfers of property of any kind and prudently  
5 to manage the property in accordance with sound financial  
6 principles.

7 "(10) Prescribe and furnish forms to clerks of  
8 probate and juvenile courts for use in connection with any  
9 action to be taken under this chapter.

10 "(11) Enter into reciprocal agreements with  
11 appropriate agencies of other states relative to youth  
12 services programs.

13 "(12) Engage in research in the field of youth  
14 services, enter into contracts with public or voluntary  
15 organizations, including educational institutions, and with  
16 individuals for the purpose of securing research and to make  
17 provisions for any pay grants to such organizations or  
18 individuals in accordance with the rules of the department, as  
19 may be necessary to secure the performance of the research.

20 "(13) If the court commits a youth who, based on  
21 information provided by the court, the department deems is  
22 ineligible for custody to the custody of the department, the  
23 department may file a motion to reconsider with the court.

24 "§44-1-36.

25 "(a) In the event a committed youth shall be  
26 diagnosed in writing as mentally ill to the degree that ~~said~~  
27 the youth is unable to profit from the programs operated by

1 the ~~department of youth services~~ Department of Youth Services  
2 for the benefit of delinquent youth, the department may  
3 petition the proper juvenile court for the commitment of the  
4 ~~said~~ youth to the state hospital for the mentally ill. The  
5 diagnosis must be made by a person who is legally and  
6 professionally qualified under the laws of Alabama to make  
7 such a diagnosis.

8 "(b) In the event a committed youth shall be  
9 diagnosed in writing as ~~mentally retarded~~ a person with a  
10 disability to the degree that ~~said~~ the youth is unable to  
11 profit from the programs operated by the department for the  
12 benefit of delinquent youth, the department may petition the  
13 proper juvenile court for the commitment of the ~~said~~ youth to  
14 the state hospital ~~for the mentally retarded~~. The diagnosis  
15 must be made by a person who is legally and professionally  
16 qualified under the laws of Alabama to make such a diagnosis.

17 "(c) A committed youth shall be discharged who, in  
18 the judgment of the director, has gained optimal  
19 rehabilitation from the programs of the department and will  
20 not be received again by the department under the original  
21 commitment order.

22 "(d) A committed youth shall be released into  
23 aftercare when the department determines that ~~said~~ the youth  
24 is no longer in need of the services of the state training  
25 schools and can function within open society under the  
26 supervision of a probation officer in accordance with terms  
27 and conditions as established by the committing court. The

1 department shall notify the committing court in writing at  
2 least 10 days in advance of the release. The committing court,  
3 at the time of release into aftercare, shall then invest  
4 custody in a party which the court deems suitable. An order of  
5 aftercare shall be issued pursuant to subsection (k) of  
6 Section 12-15-215.

7 "(e) The committing court shall have jurisdiction to  
8 extend an order of commitment during the time of aftercare and  
9 to issue further orders in relation to the investment of legal  
10 custody in some other party until the youth reaches his or her  
11 twenty-first birthday only in accordance with Section  
12 12-15-215 upon proper ~~petitions~~ requests being filed with the  
13 ~~said~~ court by a probation officer alleging all reasons for any  
14 aftercare extension or change of legal custody. A hearing  
15 shall be held in ~~said~~ the juvenile court within 10 days after  
16 the filing of the ~~petition~~ request for extension to determine  
17 whether the youth's aftercare should be extended, ~~for no more~~  
18 ~~than six months.~~

19 "(f) When a committed youth has fulfilled his or her  
20 period of commitment, he or she shall be discharged from the  
21 department's custody, and any recommitment to the department  
22 must be based on a new offense or violation of his or her  
23 aftercare and a new hearing.

24 "(g) In the event that a youth has not been  
25 discharged prior to the expiration of two years from the date  
26 of the entry of the original commitment order, the department  
27 must request either:

1           "(1) The termination of the commitment order and the  
2 issuance of such other orders respecting the legal custody and  
3 continued supervision of the youth as may be warranted under  
4 the circumstances, or

5           "(2) The extension of the original order for a  
6 further specifically limited period of time, on the grounds  
7 that such extension is necessary for the welfare of the youth  
8 or for the public interest, such extension not to exceed the  
9 date upon which the youth will reach the age of 21 years.

10          "There must be a hearing at which the youth and his or her  
11 parent, guardian, or counsel are notified to be present. The  
12 committing court shall have jurisdiction until the youth  
13 reaches his or her twenty-first birthday to issue an extension  
14 of its original commitment order only pursuant to subsection  
15 (h) of Section 12-15-215. If the department does not act as  
16 prescribed in this subsection, custody awarded by the  
17 commitment order is terminated, and such order as regards such  
18 youth has no further force and effect after the expiration of  
19 two years.

20          "(h) Upon the youth's reaching his or her  
21 twenty-first birthday, custody awarded by the commitment order  
22 is terminated, and ~~such order as regards such person~~ the order  
23 regarding the person has no further force and effect."

24          Section 2. (a) For the purposes of this section, a  
25 "detention risk assessment tool" means an evidence-based tool  
26 that is designed to assist in making detention determinations

1 by assessing a child's risk of failure to appear in court or  
2 reoffend prior to adjudication.

3 (b) By October 1, 2018, the Administrative Office of  
4 Courts shall develop a statewide detention risk assessment  
5 tool to inform pre-adjudication detention decisions, including  
6 whether a child is eligible for detention, whether a child is  
7 eligible to continue in detention once the child has been  
8 placed in detention, and whether the child is eligible for a  
9 non-custodial alternative to detention in lieu of release  
10 without conditions.

11 (c) By January 1, 2021, the detention risk  
12 assessment tool shall be validated on the youth population of  
13 this state.

14 (d) The Administrative Office of Courts shall  
15 develop a scoring system to inform eligibility for detention  
16 and detention alternatives, in conjunction with the criteria  
17 provided in Section 12-15-128, Code of Alabama 1975.

18 Section 3. (a) The Alabama State Department of  
19 Education shall require each local board of education to  
20 annually develop, approve, and submit a multi-disciplinary  
21 agreement to the department in collaboration with relevant  
22 stakeholders, including law enforcement agencies, juvenile  
23 defense attorneys, chief probation officers, local mental  
24 health authorities, families, and the courts to improve  
25 responses to school-based offenses and reduce school-based  
26 referrals to law enforcement and the courts while effectively  
27 holding youth accountable within the school setting.



1 (b) Each agreement shall establish the following:

2 (1) Specific multi-tiered responses to school-based  
3 offenses to be carried out within the school setting or at  
4 home, prior to a court referral, to safely and effectively  
5 hold youth accountable.

6 (2) Clear guidelines for how and when school-based  
7 offenses are referred to law enforcement or the juvenile  
8 justice system.

9 (c) To guide the development of local agreements,  
10 the department shall develop minimum standards and best  
11 practices for creating and implementing multi-tiered responses  
12 to school-based offenses in the school setting. The department  
13 shall ensure that its standards, and all local agreements, are  
14 based upon evidence-based research, are data-driven, and  
15 provide for continuous improvement.

16 (d) Each year, the department shall provide a report  
17 to the oversight committee established pursuant to Section 7  
18 compiling data on school district compliance with department  
19 standards and best practices developed pursuant to subsection  
20 (c) and summarizing the content of each local protocol.

21 Section 4. (a) The Alabama State Department of  
22 Education shall require the Superintendent of Education, or  
23 his or her designee, in each local school district to develop,  
24 approve, and submit an annual plan to the department outlining  
25 early warning truancy prevention programming for children and  
26 their families in the home or school setting in response to  
27 nonattendance or nonenrollment.

1 (b) To guide the development of local early warning  
2 truancy prevention programming, the department shall develop  
3 standards and best practices that are based upon  
4 evidence-based research, are data-driven, and show continuous  
5 improvement.

6 (c) Each school shall make reasonable efforts to  
7 engage a child and the child's family in early warning truancy  
8 prevention programming prior to filing a complaint alleging  
9 either of the following:

10 (1) A violation against a parent, guardian, or other  
11 person having control or custody of a child under Section  
12 16-28-12, Code of Alabama 1975.

13 (2) That a child is in need of care, rehabilitation,  
14 or supervision for alleged habitual truancy.

15 (d) After a complaint is received in the juvenile  
16 court intake office, a juvenile court judge may participate in  
17 an early warning truancy program for educational purposes with  
18 the child if it is in a group setting and is not related to  
19 any specific complaint.

20 Section 5. (a) There is created the Juvenile Justice  
21 Reinvestment Fund to the credit of the Department of Youth  
22 Services within the State Treasury. Amounts deposited into the  
23 fund shall be budgeted and allotted in accordance with  
24 Sections 41-4-80 through 41-4-96 and Sections 41-19-1 through  
25 41-19-12, Code of Alabama 1975.

26 (b) (1) The Department of Youth Services shall  
27 administer the fund and shall do all of the following:

1           a. Calculate the costs averted from reductions in  
2 the department's custody and placement of youth in residential  
3 facilities funded in whole or in part by the department.

4           b. Reserve the averted costs in the fund for  
5 reinvestment.

6           c. Disburse grants pursuant to the requirements in  
7 subsection (d).

8           d. Execute contracts pursuant to the requirements in  
9 subsection (d).

10          e. Evaluate programs.

11          (2) Any monies in the fund that are unspent at the  
12 end of a fiscal year shall be carried over for use by the  
13 department for the purposes provided in this section for the  
14 next fiscal year.

15          (3) The Department of Youth Services may adopt rules  
16 to ensure that distributions from the fund during a fiscal  
17 year do not exceed funding for the fiscal year.

18          (4)a. For the purposes of this section, "averted  
19 costs" means any costs avoided by a reduction in the number of  
20 youth placed in Department of Youth Services residential  
21 programs, as compared to a Fiscal Year 2018 baseline,  
22 calculated by comparing the actual costs of youth in custody  
23 and placed in residential programs during each fiscal year  
24 with the costs of youth in custody and placed in residential  
25 programs during Fiscal Year 2018.

26          b. For the purposes of this section, "allocation of  
27 local funds" means the process by which funds are disbursed

1 pursuant to subsection (f) to the county or counties for use  
2 in rehabilitation, treatment, or prevention of delinquency.

3 (c) The Juvenile Justice Fund Oversight Committee  
4 shall monitor and advise in the administration of the fund,  
5 pursuant to Section 7.

6 (d)(1) The department shall disburse the funds to be  
7 used for rehabilitative, treatment, or prevention programs.  
8 Disbursement of funds by the department shall adhere to the  
9 following criteria to ensure that access to evidence-based  
10 nonresidential services are available to every county in the  
11 state:

12 a. Services shall be expanded such that juvenile  
13 courts in every county in this state shall have access to  
14 evidence-based nonresidential services, subject to the review  
15 of the Juvenile Justice Fund Oversight Committee.

16 b. State contracts for evidence-based,  
17 nonresidential programs for youth who might otherwise be  
18 committed to the custody of the Department of Youth Services  
19 shall be prioritized for rural and low-population counties  
20 that currently have limited or no access to such programs and  
21 that have limited means to support the submission of grant  
22 proposals.

23 c. The department shall prioritize state contracts  
24 and county grants for non-residential services to areas of the  
25 state that satisfy both of the following:

26 1. Demonstrate a high rate of department commitments  
27 per capita.

1                   2. Have access to few existing nonresidential  
2 services.

3                   d. The department may provide incentives for those  
4 counties that decrease the number of juveniles in custody of  
5 the department, in consultation with the Juvenile Justice Fund  
6 Oversight Committee.

7                   (2) The Juvenile Justice Fund Oversight Committee  
8 may recommend that the department consider additional criteria  
9 to effectuate the priorities and other objectives of this  
10 section.

11                   (e) The allocation of local funds may be  
12 specifically used for the following:

13                   (1) Services that are appropriately matched to a  
14 youth's risk and needs, as determined by the results of a  
15 validated risk and needs assessment pursuant to Section 9, and  
16 that focus on serving youth and their families in their own  
17 homes with the appropriate level of intensity, including, but  
18 not limited to, all of the following:

19                   a. In-home family-focused therapy.

20                   b. Individual and group therapy.

21                   c. Mentoring programs.

22                   d. Substance abuse treatment.

23                   e. Outpatient juvenile sex offense treatment.

24                   (2) For partnerships with state and local agencies  
25 for the expansion or enhancement of programs that avert  
26 juvenile justice system involvement.

1 (3) For expansion of early truancy prevention  
2 efforts that do all of the following:

3 a. Take place prior to a court referral in schools,  
4 in the home, or both.

5 b. Engage families.

6 c. Focus on youth who pose the greatest risk of  
7 truancy.

8 d. Ensure that responses to behaviors by youth with  
9 documented disabilities are handled in accordance with any  
10 plans established for response to their disabilities in  
11 educational settings such as individualized education programs  
12 or 504 plans; and

13 e. Are shown to reduce referrals to the juvenile  
14 court.

15 (4) For reimbursement of a portion of transportation  
16 costs incurred by sheriffs.

17 (5) For training pursuant to Section 7.

18 (f) The department shall disburse funds through the  
19 following:

20 (1) Contracts for services.

21 (2) Grants to counties or groups of counties, to  
22 allow for program expansion across the state, especially in  
23 rural counties.

24 (g) (1) The Department of Youth Services shall ensure  
25 that programs funded from the Juvenile Justice Reinvestment  
26 Fund adhere to performance-based standards which incentivize

1 reductions in reoffending and reductions in subsequent  
2 commitments to the department.

3 (2) Performance-based standards may be implemented  
4 by any of the following:

5 a. Contract provisions.

6 b. Grant provisions.

7 c. Shared funding provisions.

8 (h) (1) Programs receiving funding from the fund  
9 shall adhere to evidence-based models or other interventions  
10 rated by a standardized tool as effective for reducing  
11 reoffending.

12 (2) The standardized tool used to rate effectiveness  
13 for recidivism reductions shall be selected by the department  
14 and the Administrative Office of Courts, in consultation with  
15 the Juvenile Justice Fund Oversight Committee in accordance  
16 with Section 7.

17 Section 6. Alternatives to detention; definition,  
18 funding.

19 (a) For the purposes of this section, the term  
20 "non-custodial alternative to detention" means a program or  
21 practice that is designed to ensure a youth's appearance at  
22 future court hearings and to prevent rearrest prior to  
23 adjudication, and is non-punitive and non-residential.

24 (b) A program of fiscal incentives shall be  
25 developed and administered by the Department of Youth Services  
26 to encourage the use of non-custodial alternatives to  
27 detention, with a higher reimbursement rate to be paid for

1 alternatives to detention than for detention pursuant to  
2 Section 44-1-28, Code of Alabama 1975.

3 (c) Funds from the Juvenile Justice Reinvestment  
4 Fund created in Section 5 may be reinvested into non-custodial  
5 alternatives to detention.

6 (d) Home detention shall be available in every  
7 county.

8 (e) Individual counties or groups of counties may  
9 develop non-custodial alternatives to detention.

10 Section 7. Juvenile Justice Fund Oversight  
11 Committee; purpose, responsibilities.

12 (a) The Juvenile Justice Fund Oversight Committee is  
13 created to oversee implementation of changes to the juvenile  
14 justice system and coordinate communication and information  
15 sharing across the juvenile justice system, including the  
16 following:

17 (1) The Governor, or his or her designee.

18 (2) The Chair of the House Judiciary Committee, or  
19 his or her designee.

20 (3) The Chair of the Senate Judiciary Committee, or  
21 his or her designee.

22 (4) The Chief Justice of the Alabama Supreme Court,  
23 or his or her designee.

24 (5) The Director of the Administrative Office of  
25 Courts, or his or her designee.

26 (6) Three current juvenile court judges, with at  
27 least one representing a rural county, one representing a



1 mid-sized county, and one representing an urban county,  
2 appointed by the president of the Alabama Council of Juvenile  
3 and Family Court Judges.

4 (7) The Director of the Department of Youth  
5 Services, or his or her designee.

6 (8) The Commissioner of the Department of Mental  
7 Health, or his or her designee.

8 (9) The Commissioner of the Department of Human  
9 Resources, or his or her designee.

10 (10) An attorney appointed by the Alabama State Bar,  
11 with experience in delinquency proceedings.

12 (11) One chief juvenile probation officer, appointed  
13 by the Chief Juvenile Probation Officers Association.

14 (12) One law enforcement official representing a  
15 county with a local juvenile detention facility, appointed by  
16 the Governor.

17 (13) The State Superintendent of Education, or his  
18 or her designee.

19 (14) One district attorney appointed by the District  
20 Attorneys Association.

21 (15) The Executive Director of Alabama Children  
22 First, or his or her designee.

23 (b) The appointing authorities shall coordinate  
24 their appointments to assure the committee membership is  
25 inclusive and reflects the racial, gender, geographic, urban,  
26 rural, and economic diversity of the state.

1 (c) The oversight committee shall select a member to  
2 serve as its chair at its first meeting, and annually  
3 thereafter.

4 (d) The responsibilities of the oversight committee  
5 shall include, and be limited to, all of the following:

6 (1) To review averted costs and ensure reinvestment  
7 into evidence-based services for youth living in the community  
8 according to the guidelines set out in Section 5.

9 (2) To review the appropriateness of expenditures,  
10 programs, and services and assess the progress of  
11 implementation.

12 (3) To make recommendations to strengthen juvenile  
13 justice data systems to allow for linking individual cases  
14 across agency data systems.

15 (4) To publish an annual report to the Governor,  
16 Chief Justice of the Alabama Supreme Court, Speaker of the  
17 House of Representatives, and Senate President Pro Tempore on  
18 implementation progress and areas for further review.

19 (5) Oversee the creation of a collaborative funding  
20 structure similar to existing collaborative funding structures  
21 between the Department of Youth Services, the Department of  
22 Human Resources, the Alabama State Department of Education,  
23 and the Department of Mental Health for providing pre-court  
24 early interventions for youth at imminent risk of juvenile  
25 justice system involvement.

26 (e) The Administrative Office of Courts shall  
27 partner with the Sentencing Commission to collect juvenile

1 data. The Administrative Office of Courts shall partner with  
2 the Department of Youth Services to collect, analyze, and  
3 report on juvenile data to assist the oversight committee.

4 (f) The Alabama State Bar, in consultation with the  
5 oversight committee, shall study the expansion of training for  
6 juvenile defense attorneys, including making a recommendation  
7 to the Office of Indigent Defense Services to increase the  
8 requirement for juvenile appointment from three to six  
9 Continuing Legal Education hours.

10 Section 8. (a) A case plan shall be created for all  
11 delinquency and child in need of supervision cases following  
12 disposition. Each case plan shall satisfy both of the  
13 following:

14 (1) Be informed by the results of a validated risk  
15 and needs assessment pursuant to Section 9.

16 (2) Be individualized to the child.

17 (b) The Administrative Office of Courts shall  
18 develop a statewide system of graduated responses to the  
19 behavior of a child under court supervision, including those  
20 placed on probation or placed on aftercare. The system of  
21 graduated responses shall include both sanctions and  
22 incentives that satisfy both of the following:

23 (1) Include a continuum of community-based responses  
24 that serve the child without placement in a residential  
25 facility or detention.

1           (2) Target the child's risk of reoffending, as  
2 determined by the results of a validated risk and needs  
3 assessment pursuant to Section 9.

4           (c) (1) The system of graduated response shall  
5 authorize earned discharge credits as one incentive for  
6 compliance. Earned discharge credits are defined as time  
7 awarded toward early termination of an order of probation or  
8 an order of aftercare.

9           (2) The Administrative Office of Courts shall  
10 develop a system for awarding earned discharge credits for  
11 each month that a child is compliant with the conditions of  
12 his or her order of probation or order of aftercare.

13           (d) Behaviors under subsection (b) shall be  
14 documented in the child's case plan. Documentation shall  
15 include all of the following:

16           (1) Positive behaviors and incentives offered.

17           (2) Violations and corresponding sanctions.

18           (3) Whether the child has a subsequent violation  
19 following an incentive or sanction.

20           (e) Before referring a child to juvenile court for  
21 noncompliance with the terms of an order of probation or  
22 aftercare under Section 12-15-132, Code of Alabama 1975, a  
23 pattern of appropriate responses shall be documented in the  
24 child's case plan.

25           (f) The Administrative Office of Courts shall  
26 conduct training for chief probation officers and juvenile  
27 probation officers on evidence-based best practices for

1 graduated responses, including, but not limited to,  
2 instruction on all of the following:

3 (1) Proper selection and use of incentives for  
4 compliance.

5 (2) Proper selection and use of sanctions for  
6 noncompliance.

7 (3) Integrating results from graduated responses  
8 into case plans.

9 Section 9. (a) For the purposes of this section and  
10 Section 8, "a risk and needs assessment" means an  
11 evidence-based tool that identifies a child's risk to reoffend  
12 and individual needs that, if met, are likely to reduce the  
13 child's likelihood of reoffending.

14 (b) By October 1, 2018, the Administrative Office of  
15 Courts and the Department of Youth Services shall together  
16 develop and adopt a risk and needs assessment to inform  
17 supervision and necessary treatment for any child petitioned  
18 before the juvenile court on a delinquency or child in need of  
19 supervision offense.

20 (c) By January 1, 2021, the risk and needs  
21 assessment shall be validated on the youth population to  
22 ensure accuracy in assessing a child's risk to reoffend and  
23 individual needs that, if met, are likely to reduce the  
24 child's likelihood of reoffending.

25 (d) The risk and needs assessment shall be used as  
26 follows:

1 (1) Beginning October 1, 2018, a juvenile probation  
2 officer shall administer a risk and needs assessment to every  
3 child petitioned before the court on a delinquency or child in  
4 need of supervision offense.

5 (2) Beginning January 1, 2021, a juvenile judge  
6 shall review the risk and needs assessment prior to  
7 disposition and use it to inform disposition including any  
8 necessary treatment services for the child.

9 (3) The juvenile judge shall not review the results  
10 of the risk and needs assessment related to final disposition  
11 prior to adjudication.

12 (4) Department of Youth Services staff and  
13 contracted providers shall incorporate results from the risk  
14 and needs assessment into the development of a case plan for  
15 every child placed in a residential facility for delinquency  
16 or child in need of supervision offense, and juvenile  
17 probation officers shall incorporate the risk and needs  
18 assessment into the development of a case plan for every child  
19 placed on probation or aftercare, pursuant to Section 8.

20 (e) Access to the results of risk and needs  
21 assessments shall be granted to the following people,  
22 officials, or agencies and only for the following stated  
23 purposes and only while the child is subject to the  
24 jurisdiction of the juvenile court:

25 (1) The juvenile judge, following adjudication, to  
26 inform disposition.

1           (2) A juvenile probation officer for the purpose of  
2 compiling information for assessments, administering  
3 assessments, and preparing assessment reports.

4           (3) The Department of Youth Services and its  
5 contracted providers.

6           (4) The child who is the subject of the report.

7           (5) A parent, legal guardian, or custodian of the  
8 child who is the subject of the report.

9           (6) A defense attorney or guardian ad litem for the  
10 child.

11           (7) The district attorney following adjudication for  
12 recommendation of disposition.

13           (8) Any other person, official, agency, or entity  
14 that the juvenile court determines requires access to the  
15 results of the risk and needs assessment for the purpose of  
16 treatment and rehabilitation of the child.

17           (f) No incriminatory or otherwise unfavorable or  
18 disparaging information obtained from a child in the course of  
19 a risk and needs assessment shall be subject to any court  
20 subpoena or admitted into evidence against the child on the  
21 issue of whether the child committed a delinquency or child in  
22 need of supervision offense or on the issue of guilt in any  
23 criminal proceedings.

24           (g) The risk and needs assessment and all materials  
25 used to compile the information in the assessment in  
26 possession of the juvenile court shall be destroyed when the

1 person about whom the risk and needs assessment was conducted  
2 is no longer a child.

3 Section 10. Section 15-20A-5, Code of Alabama 1975,  
4 as last amended by Act 2017-414, 2017 Regular Session, is  
5 amended to read as follows:

6 "§15-20A-5.

7 "For the purposes of this chapter, a sex offense  
8 includes any of the following offenses:

9 "(1) Rape in the first degree, as provided by  
10 Section 13A-6-61.

11 "(2) Rape in the second degree, as provided by  
12 Section 13A-6-62. The sentencing court may exempt from this  
13 chapter a juvenile sex offender adjudicated delinquent of a  
14 violation of rape in the second degree after the juvenile has  
15 been counseled on the dangers of the conduct for which he or  
16 she was adjudicated delinquent.

17 "(3) Sodomy in the first degree, as provided by  
18 Section 13A-6-63.

19 "(4) Sodomy in the second degree, as provided by  
20 Section 13A-6-64. The sentencing court may exempt from this  
21 chapter a juvenile sex offender adjudicated delinquent of a  
22 violation of sodomy in the second degree after the juvenile  
23 has been counseled on the dangers of the conduct for which he  
24 or she was adjudicated delinquent.

25 "(5) Sexual misconduct, as provided by Section  
26 13A-6-65, provided that on a first conviction or adjudication  
27 the sex offender is only subject to registration and



1 verification pursuant to this chapter. On a second or  
2 subsequent conviction or adjudication of a sex offense, if the  
3 second or subsequent conviction or adjudication does not arise  
4 out of the same set of facts and circumstances as the first  
5 conviction or adjudication of a sex offense, the sex offender  
6 shall comply with all requirements of this chapter. The  
7 sentencing court may exempt from this chapter a juvenile sex  
8 offender adjudicated delinquent of sexual misconduct after the  
9 juvenile has been counseled on the dangers of the conduct for  
10 which he or she was adjudicated delinquent.

11 "(6) Sexual torture, as provided by Section  
12 13A-6-65.1.

13 "(7) Sexual abuse in the first degree, as provided  
14 by Section 13A-6-66.

15 "(8) Sexual abuse in the second degree, as provided  
16 by Section 13A-6-67. The sentencing court may exempt from this  
17 chapter a juvenile sex offender adjudicated delinquent of a  
18 violation of sexual abuse in the second degree after the  
19 juvenile has been counseled on the dangers of the conduct for  
20 which he or she was adjudicated delinquent.

21 "(9) Indecent exposure, as provided by Section  
22 13A-6-68, provided that on a first conviction or adjudication  
23 of a sex offense, the sex offender is only subject to  
24 registration and verification pursuant to this chapter. On a  
25 second or subsequent conviction or adjudication of a sex  
26 offense, if the second or subsequent conviction or  
27 adjudication does not arise out of the same set of facts and

1 circumstances as the first conviction or adjudication, the sex  
2 offender shall comply with all requirements of this chapter.  
3 The sentencing court may exempt from this chapter a juvenile  
4 sex offender adjudicated delinquent of indecent exposure after  
5 the juvenile has been counseled on the dangers of the conduct  
6 for which he or she was adjudicated delinquent.

7 "(10) Enticing a child to enter a vehicle, room,  
8 house, office, or other place for immoral purposes, as  
9 provided by Section 13A-6-69.

10 "(11) Sexual abuse of a child less than 12 years  
11 old, as provided by Section 13A-6-69.1.

12 "(12) Promoting prostitution in the first degree, as  
13 provided by Section 13A-12-111.

14 "(13) Promoting prostitution in the second degree,  
15 as provided by Section 13A-12-112.

16 "(14) Violation of the Alabama Child Pornography  
17 Act, as provided by Section 13A-12-191, 13A-12-192,  
18 13A-12-196, or 13A-12-197. The sentencing court may exempt  
19 from this chapter a juvenile sex offender adjudicated  
20 delinquent of a violation of the Alabama Child Pornography Act  
21 after the juvenile has been counseled on the dangers of the  
22 conduct for which he or she was adjudicated delinquent.

23 "(15) Unlawful imprisonment in the first degree, as  
24 provided by Section 13A-6-41, if the victim of the offense is  
25 a minor, and the record of adjudication or conviction reflects  
26 the intent of the unlawful imprisonment was to abuse the minor  
27 sexually.

1           "(16) Unlawful imprisonment in the second degree, as  
2 provided by Section 13A-6-42, if the victim of the offense is  
3 a minor, and the record of adjudication or conviction reflects  
4 the intent of the unlawful imprisonment was to abuse the minor  
5 sexually.

6           "(17) Kidnapping in the first degree, as provided by  
7 subdivision (4) of subsection (a) of Section 13A-6-43, if the  
8 intent of the abduction is to violate or abuse the victim  
9 sexually.

10           "(18) Kidnapping of a minor, except by a parent,  
11 guardian, or custodian, as provided by Section 13A-6-43 or  
12 13A-6-44.

13           "(19) Incest, as provided by Section 13A-13-3.

14           "(20) Transmitting obscene material to a child by  
15 computer, as provided by Section 13A-6-111.

16           "(21) School employee engaging in a sex act or  
17 ~~deviant sexual intercourse~~ battery or having sexual contact or  
18 soliciting a sex act or sexual contact with a student, as  
19 provided by ~~Section~~ Sections 13A-6-81 and 13A-6-82.

20           "~~(22) School employee having sexual contact with a~~  
21 ~~student, as provided by Section 13A-6-82~~ Foster parent  
22 engaging in a sex act, having sexual contact, or soliciting a  
23 sex act or sexual contact with a foster child as provided by  
24 Section 13A-6-71.

25           "(23) Facilitating solicitation of unlawful sexual  
26 conduct with a child, as provided by Section 13A-6-121.

1           "(24) Electronic solicitation of a child, as  
2 provided by Section 13A-6-122.

3           "(25) Facilitating the on-line solicitation of a  
4 child, as provided by Section 13A-6-123.

5           "(26) Traveling to meet a child for an unlawful sex  
6 act, as provided by Section 13A-6-124.

7           "(27) Facilitating the travel of a child for an  
8 unlawful sex act, as provided by Section 13A-6-125.

9           "(28) Human trafficking in the first degree, as  
10 provided by Section 13A-6-152, provided that the offense  
11 involves sexual servitude.

12           "(29) Human trafficking in the second degree, as  
13 provided by Section 13A-6-153, provided that the offense  
14 involves sexual servitude.

15           "(30) Custodial sexual misconduct, as provided by  
16 Section 14-11-31.

17           "(31) Sexual extortion, as provided by Section  
18 13A-6-241.

19           "(32) Directing a child to engage in a sex act, as  
20 provided in Section 13A-6-243.

21           "(33) Any offense which is the same as or equivalent  
22 to any offense set forth above as the same existed and was  
23 defined under the laws of this state existing at the time of  
24 such conviction, specifically including, but not limited to,  
25 crime against nature, as provided by Section 13-1-110; rape,  
26 as provided by Sections 13-1-130 and 13-1-131; carnal  
27 knowledge of a woman or girl, as provided by Sections 13-1-132

1 through 13-1-135, or attempting to do so, as provided by  
2 Section 13-1-136; indecent molestation of children, as defined  
3 and provided by Section 13-1-113; indecent exposure, as  
4 provided by Section 13-1-111; incest, as provided by Section  
5 13-8-3; offenses relative to obscene prints and literature, as  
6 provided by Sections 13-7-160 through 13-7-175, inclusive;  
7 employing, harboring, procuring or using a girl over 10 and  
8 under 18 years of age for the purpose of prostitution or  
9 sexual intercourse, as provided by Section 13-7-1; seduction,  
10 as defined and provided by Section 13-1-112; a male person  
11 peeping into a room occupied by a female, as provided by  
12 Section 13-6-6; assault with intent to ravish, as provided by  
13 Section 13-1-46; and soliciting a child by computer, as  
14 provided by Section 13A-6-110.

15 "(34) Any solicitation, attempt, or conspiracy to  
16 commit any of the offenses listed in subdivisions (1) to ~~(31)~~  
17 (33), inclusive.

18 "(35) Any crime committed in Alabama or any other  
19 state, the District of Columbia, any United States territory,  
20 or a federal, military, Indian, or foreign country  
21 jurisdiction which, if it had been committed in this state  
22 under the current provisions of law, would constitute an  
23 offense listed in subdivisions (1) to ~~(32)~~ (34), inclusive.

24 "(36) Any offense specified by Title I of the  
25 federal Adam Walsh Child Protection and Safety Act of 2006  
26 (Pub. L. 109-248, the Sex Offender Registration and  
27 Notification Act (SORNA)).

1           "(37) Any crime committed in another state, the  
2 District of Columbia, any United States territory, or a  
3 federal, military, Indian, or foreign country jurisdiction if  
4 that jurisdiction also requires that anyone convicted of that  
5 crime register as a sex offender in that jurisdiction.

6           "(38) Any offender determined in any jurisdiction to  
7 be a sex offender shall be considered a sex offender in this  
8 state.

9           "(39) The foregoing notwithstanding, any crime  
10 committed in any jurisdiction which, irrespective of the  
11 specific description or statutory elements thereof, is in any  
12 way characterized or known as rape, carnal knowledge, sodomy,  
13 sexual assault, sexual battery, criminal sexual conduct,  
14 criminal sexual contact, sexual abuse, continuous sexual  
15 abuse, sexual torture, solicitation of a child, enticing or  
16 luring a child, child pornography, lewd and lascivious  
17 conduct, taking indecent liberties with a child, molestation  
18 of a child, criminal sexual misconduct, video voyeurism, or  
19 there has been a finding of sexual motivation.

20           "(40) Any crime not listed in this section wherein  
21 the underlying felony is an element of the offense and listed  
22 in subdivisions (1) to (39), inclusive.

23           "(41) Any other offense not provided for in this  
24 section wherein there is a finding of sexual motivation as  
25 provided by Section 15-20A-6."

26           Section 11. Provisions of this act requiring the  
27 consideration of a validated risk and needs assessment,

1 including in Sections 12-15-215 and 12-15-221, Code of Alabama  
2 1975, and Section 9, shall become operative upon certification  
3 of the Director of Finance that specific funding to implement  
4 the provisions of this act has been appropriated to the  
5 Unified Judicial System.

6 Section 12. Section 5 of this act creating the  
7 Juvenile Justice Reinvestment Fund, the amendatory language in  
8 Section 1 of this act to Section 44-1-24, Code of Alabama  
9 1975, subsection (b) of Section 2 of this act requiring  
10 development of a statewide detention risk assessment tool, and  
11 subsection (b) of Section 9 of this act requiring development  
12 of a risk and needs assessment shall become effective October  
13 1, 2018; Section 3 of this act relating to multidisciplinary  
14 agreements, Section 4 of the act relating to truancy  
15 prevention programs, Section 6 of this act relating to  
16 alternatives to detention, Section 8 of this act relating to  
17 case plans, the amendatory language in Section 1 of this act  
18 to Sections 12-15-128, 12-15-215, 16-28-2.2, 16-28-8,  
19 16-28-13, 16-28-14, 16-28-16, 16-28-17, and 16-28-18, Code of  
20 Alabama 1975, and Section 10 of this act relating to  
21 delinquent sex offenses, shall become effective July 1, 2019;  
22 subsection (c) of Section 2 of this act requiring validation  
23 of a statewide detention risk assessment tool and subsection  
24 (c) of Section 9 of this act requiring validation of a risk  
25 and needs assessment, shall become effective January 1, 2021;  
26 and Section 7 of this act creating the Juvenile Justice Fund  
27 Oversight Committee, the amendatory language in Section 1 of

1       this act to Sections 12-15-119 and 12-15-211, Code of Alabama  
2       1975, and the remaining provisions of this act shall become  
3       effective on the first day of the third month following its  
4       passage and approval by the Governor, or its otherwise  
5       becoming law.