

1 HB225
2 192210-5
3 By Representative Hill
4 RFD: Judiciary
5 First Read: 16-JAN-18

1 Services; to further specify the length of supervision ordered
2 by a juvenile court; to require local boards of education to
3 inform parents of services available relating to absenteeism
4 and other school-related misconduct; to create the Juvenile
5 Justice Reinvestment Fund, administered by the Department of
6 Youth Services; to require the Administrative Office of Courts
7 and the Department of Youth Services to develop and adopt a
8 risk and needs assessment; to create the Juvenile Justice Fund
9 Oversight Committee and to provide for its membership and
10 duties; and to amend Section 15-20A-5, Code of Alabama 1975,
11 as last amended by Act 2017-414, 2017 Regular Session, to
12 provide courts discretion as to requiring a child to comply
13 with sex offender registration and notification requirements
14 under certain conditions.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. Sections 12-15-102, 12-15-107, 12-15-119,
17 12-15-120, 12-15-126, 12-15-127, 12-15-128, 12-15-132,
18 12-15-203, 12-15-204, 12-15-207, 12-15-209, 12-15-211,
19 12-15-215, 12-15-221, 12-15-701, 12-25-9, 16-28-2.2, 16-28-8,
20 16-28-13, 16-28-14, 16-28-16, 16-28-17, 16-28-18, 44-1-1,
21 44-1-24, and 44-1-36, Code of Alabama 1975, are amended to
22 read as follows:

23 "§12-15-102.

24 "When used in this chapter, the following words and
25 phrases have the following meanings:

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

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

4 ~~"(3) CHILD. An individual under the age of 18 years,~~
5 ~~or under 21 years of age and before the juvenile court for a~~
6 ~~delinquency matter arising before that individual's 18th~~
7 ~~birthday. Where a delinquency petition alleges that an~~

8 "(3) Child. An individual under the age of 18 years
9 of age, or under 21 years of age and before the juvenile court
10 for a delinquency matter arising before that individual's 18th
11 birthday, or under 19 years of age and before the juvenile
12 court for a child in need of supervision matter. Where a
13 delinquency petition alleges that an individual, prior to the
14 individual's 18th birthday, has committed an offense for which
15 there is no statute of limitation pursuant to Section 15-3-5,
16 the term child also shall include the individual subject to
17 the petition, regardless of the age of the individual at the
18 time of filing.

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

23 "a. Being subject to the requirement of compulsory
24 school attendance, is habitually truant from school as defined
25 by the State Board of Education in the Alabama Administrative
26 Code. Notwithstanding the foregoing, a child shall not be
27 found in need of supervision pursuant to this subdivision if

1 ~~the juvenile court determines that the parent, legal guardian,~~
2 ~~or legal custodian of the child was solely responsible for the~~
3 ~~nonattendance of the child. either of the following occur:~~

4 "1. The juvenile court determines that the parent,
5 legal guardian, or legal custodian of the child was solely
6 responsible for the nonattendance of the child.

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

10 "b. Disobeys the reasonable and lawful demands of
11 his or her parent, legal guardian, or legal custodian and is
12 beyond the control of the parent, legal guardian, or legal
13 custodian.

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

17 "d. Commits an offense established by law but not
18 classified as criminal.

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

25 "(6) DELINQUENT ACT. An act that is criminal in
26 nature committed by a child that is designated a violation,
27 misdemeanor, or felony offense pursuant to the law of the

1 municipality, county, or state in which the act was committed
2 or pursuant to federal law. This term shall not apply to any
3 of the following:

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

6 ~~"1. b.~~ A nonfelony traffic offense or water safety
7 offense other than one charged pursuant to Section 32-5A-191
8 or 32-5A-191.3 or a municipal ordinance prohibiting the same
9 conduct.

10 ~~"2. A capital offense.~~

11 ~~"3. A Class A felony.~~

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

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

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

19 ~~"(i) A law enforcement officer or official.~~

20 ~~"(ii) A correctional officer or official.~~

21 ~~"(iii) A parole or probation officer or official.~~

22 ~~"(iv) A juvenile court probation officer or
23 official.~~

24 ~~"(v) A district attorney or other prosecuting
25 officer or official.~~

26 ~~"(vi) A judge or judicial official.~~

27 ~~"(vii) A court officer or official.~~

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

5 ~~"(ix) A teacher, principal, or employee of the~~
6 ~~public education system of Alabama.~~

7 ~~"7. Trafficking in drugs in violation of Section~~
8 ~~13A-12-231, or as the same may be amended.~~

9 ~~"8. Any lesser included offense of the offenses in~~
10 ~~subparagraphs 1 to 7, inclusive, charged or any lesser felony~~
11 ~~offense charged arising from the same facts and circumstances~~
12 ~~and committed at the same time as the offenses listed in~~
13 ~~subparagraphs 1 to 7, inclusive.~~

14 ~~"b. c.~~ Any criminal act, offense, or violation
15 committed by a child under the age of 18 years who has been
16 previously convicted or adjudicated a youthful offender.

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

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

24 "1. Whose parent, legal guardian, legal custodian,
25 or other custodian subjects the child or any other child in
26 the household to abuse, as defined in subdivision (2) of

1 Section 12-15-301 or neglect as defined in subdivision (4) of
2 Section 12-15-301, or allows the child to be so subjected.

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

6 "3. Whose parent, legal guardian, legal custodian,
7 or other custodian neglects or refuses, when able to do so or
8 when the service is offered without charge, to provide or
9 allow medical, surgical, or other care necessary for the
10 health or well-being of the child.

11 "4. Whose parent, legal guardian, legal custodian,
12 or other custodian fails, refuses, or neglects to send the
13 child to school in accordance with the terms of the compulsory
14 school attendance laws of this state.

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

18 "6. Whose parent, legal guardian, legal custodian,
19 or other custodian is unable or unwilling to discharge his or
20 her responsibilities to and for the child.

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

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

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

1 "(9) DETENTION. The temporary placement of children
2 alleged or adjudicated to be delinquent in secure custody as
3 defined herein pending juvenile court disposition or transfer
4 to a residential facility for further care of a child
5 adjudicated delinquent.

6 "(10) GUARDIAN AD LITEM. A licensed attorney
7 appointed by a juvenile court to protect the best interests of
8 an individual without being bound by the expressed wishes of
9 that individual.

10 "(11) INTAKE OFFICER. A juvenile probation officer
11 or an employee of the judicial branch of government, who is
12 neutral and detached from executive and legislative branch
13 activities, designated by the juvenile court judge to initiate
14 original delinquency, dependency, and child in need of
15 supervision cases, as well as cases designated in Section
16 12-15-132 before the juvenile court. The juvenile court intake
17 officer shall be appointed a magistrate pursuant to Rule 18,
18 Alabama Rules of Judicial Administration, to issue warrants of
19 arrest for individuals 18 years of age or older committing
20 criminal offenses under the jurisdiction of the juvenile
21 court.

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

25 "(13) JUVENILE DETENTION FACILITY. Any facility
26 owned or operated by the state, any county, or other legal

1 entity licensed by and contracted with the Department of Youth
2 Services for the detention of children.

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

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

11 "(16) LEGAL CUSTODY. A legal status created by order
12 of the juvenile court which vests in a legal custodian the
13 right to have physical custody of a child under the
14 jurisdiction of the juvenile court pursuant to this chapter
15 and the right and duty to protect, train, and discipline the
16 child and to provide the child with food, shelter, clothing,
17 education, and medical care, all subject to the powers,
18 rights, duties, and responsibilities of the legal guardian of
19 the person of the child and subject to any residual parental
20 rights and responsibilities. A parent, person, agency, or
21 department granted legal custody shall exercise the rights and
22 responsibilities personally, unless otherwise restricted by
23 the juvenile court.

24 "(17) LEGAL GUARDIAN. A person who has been
25 appointed by a probate court pursuant to the Alabama Uniform
26 Guardianship and Protective Proceedings Act, Chapter 2A
27 (commencing with Section 26-2A-1) of Title 26 to be a guardian

1 of a person under 19 years of age who has not otherwise had
2 the disabilities of minority removed. This term does not
3 include a guardian ad litem as defined in this section.

4 "(18) MINOR. An individual who is under the age of
5 19 years and who is not a child within the meaning of this
6 chapter.

7 "(19) PARENT. The legal mother or the legal father
8 of a child under the jurisdiction of the juvenile court
9 pursuant to this chapter.

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

15 "(21) PROBATION. The legal status created by order
16 of the juvenile court following an adjudication of delinquency
17 or in need of supervision whereby a child is permitted to
18 remain in a community subject to supervision and return to the
19 juvenile court for violation of probation at any time during
20 the period of probation.

21 "(22) RESIDENTIAL FACILITY. A dwelling, other than a
22 detention or shelter care facility, providing living
23 accommodations, care, treatment, and maintenance for children,
24 including, but not limited to, institutions, foster family
25 homes, group homes, half-way houses, and forestry camps
26 operated, accredited, or licensed by a federal or state
27 department or agency.

1 "(23) RESIDUAL PARENTAL RIGHTS AND RESPONSIBILITIES.

2 Those rights and responsibilities remaining with a parent
3 after a transfer of legal custody of a child under the
4 jurisdiction of the juvenile court pursuant to this chapter,
5 including, but not necessarily limited to, the right of
6 visitation, the right to withhold consent to adoption, the
7 right to determine religious affiliation, and the
8 responsibility for support, unless determined by order of the
9 juvenile court not to be in the best interests of the child.

10 "(24) SECURE CUSTODY. As used with regard to
11 juvenile detention facilities and the Department of Youth
12 Services, this term means residential facilities with
13 construction features designed to physically restrict the
14 movements and activities of persons in custody such as locked
15 rooms and buildings, including rooms and buildings that
16 contain alarm devices that prevent departure; fences; or other
17 physical structures. This term does not include facilities
18 where physical restriction of movement or activity is provided
19 solely through facility staff.

20 "(25) SHELTER CARE. The temporary care of children
21 in group homes, foster care, relative placement, or other
22 nonpenal facilities.

23 "§12-15-107.

24 "(a) For the purpose of carrying out the objectives
25 and purposes of this chapter and subject to the limitations of
26 this chapter or imposed by the juvenile court, a juvenile
27 probation officer shall perform the following duties:

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

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

5 "(3) Supervise and assist a child placed on
6 probation or aftercare by order of the juvenile court or other
7 authority of law until the terms of probation or aftercare
8 expire or are otherwise terminated.

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

12 "(5) Make predisposition studies and submit reports
13 and recommendations to the juvenile court as required by this
14 chapter.

15 "(6) Collect and compile statistical data and file
16 reports as may be required by the Administrative Director of
17 Courts pursuant to subdivision (1) of Section 12-5-10. The
18 reports may include, but shall not be limited to, statistical
19 data, case studies, and research materials.

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

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

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

15 "§12-15-119.

16 "(a) (1) After a verified complaint has been filed
17 and before a petition alleging delinquency or in need of
18 supervision is filed, the juvenile court intake officer,
19 ~~subject to the direction of the juvenile court, may~~ shall
20 offer give counsel and advice to the parties child for the
21 purpose of an informal adjustment pursuant to rules of
22 procedure adopted by the Supreme Court of Alabama. pursuant to
23 rules of procedure adopted by the Supreme Court of Alabama if
24 both of the following are satisfied:

25 "~~(1)~~ a. The complaint alleges that the child has
26 either committed a misdemeanor not involving a deadly weapon

1 as defined in Section 13A-1-2 or is a child in need of
2 supervision.

3 ~~"(2) b. The child has no prior delinquency or child~~
4 ~~in need of supervision complaints. The juvenile court intake~~
5 ~~officer may offer the child an informal adjustment on a~~
6 ~~subsequent complaint. need of supervision complaints.~~

7 "(2) The juvenile court intake officer may offer the
8 child an informal adjustment on a complaint that alleges the
9 child has either committed a delinquent act not involving a
10 deadly weapon as defined in Section 13A-1-2, or is a child in
11 need of supervision.

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

15 "§12-15-120.

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

22 "(b) A petition alleging that a child is a
23 delinquent child, dependent child, or a child in need of
24 supervision shall not be filed by a juvenile court intake
25 officer unless the juvenile court intake officer has
26 determined and endorsed upon the petition that ~~the juvenile~~
27 ~~court has subject matter jurisdiction and venue over the case~~

1 ~~and that the filing of the petition is in the best interests~~
2 ~~of the public and the child. all of the following are~~
3 ~~satisfied:~~

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

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

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

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

17 "(d) Absent serious threats to school safety or
18 emergency circumstances, or a child committing a delinquent
19 act, when a petition is filed based upon acts committed on
20 school grounds during the school day, information shall be
21 included in the petition which shows all of the following:

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

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

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

3 "(4) That court intervention is needed.

4 "§12-15-126.

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

14 "§12-15-127.

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

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

23 "(2) Release the child to the parents, legal
24 guardian, or legal custodian of the child upon his or her
25 promise to bring the child before the juvenile court when
26 requested, unless the placement of the child in detention or
27 shelter care appears required pursuant to the criteria

1 provided in Section 12-15-128. If a parent, legal guardian, or
2 other legal custodian fails, when requested, to bring the
3 child before the juvenile court as provided in this section,
4 the juvenile court may issue an order directing that the child
5 be taken into custody and brought before the juvenile court,
6 in accordance with subsection (b).

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

13 "(b) Prior to authorizing the admission of the child
14 to detention, shelter, or other care, the juvenile court
15 intake officer, on an allegation of delinquency or in need of
16 supervision or of dependency, shall administer a detention
17 risk assessment tool to any child who is under consideration
18 for placement in detention, developed pursuant to Section 2 of
19 the act adding this amendatory language, and review the need
20 for detention or shelter care, including reviewing the written
21 notice of the person who took the child into custody without
22 an order of the juvenile court and the results of the
23 detention risk assessment tool, and shall direct the law
24 enforcement officer or other person currently having the child
25 in custody to release the child unless detention or shelter
26 care is required pursuant to Section 12-15-128. The juvenile
27 court intake officer may allow release with or without

1 electronic or telephone monitoring pending the 72-hour hearing
2 requirement.

3 "(c) A person taking a child or minor into custody
4 pursuant to subdivision (3) of subsection (a) of Section
5 12-15-125 shall bring the child or minor to a medical or
6 mental health facility if the child or minor is believed to be
7 suffering from a serious mental health condition, illness, or
8 injury which requires either prompt treatment or prompt
9 diagnosis for the welfare of the child or minor or for
10 evidentiary purposes, and, in the most expeditious manner
11 possible, give notice of the action taken together with a
12 statement of taking the child or minor into custody in writing
13 to the court, the parents, legal guardian or other legal
14 custodian and to the intake office and to the Department of
15 Human Resources in the case of a dependency allegation.

16 "§12-15-128.

17 "(a) An allegedly delinquent child, dependent child,
18 or child in need of supervision lawfully taken into custody
19 shall immediately be released, upon the ascertainment of the
20 necessary facts and in a case of a child alleged to be
21 delinquent and where detention is ~~requested~~ being considered,
22 upon consideration of the statewide detention risk assessment
23 tool, developed pursuant to Section 2 of the act adding this
24 amendatory language, to the care, custody, and control of the
25 parent, legal guardian, or legal custodian of the child or
26 other suitable person able to provide supervision and care for
27 the child, unless the juvenile court or juvenile court intake

1 officer, subject to the limitations in Section 12-15-208,
2 finds any of the following:

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

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

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

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

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

23 "(b) Detention shall not be used as a result of a
24 parent, legal guardian, or legal custodian avoiding his or her
25 legal responsibility to provide supervision and care for the
26 child.

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

4 "(d) The length of stay in detention
5 pre-adjudication may not exceed 30 days, except in those cases
6 where a petition has been filed pursuant to Section 12-15-203.
7 where a motion has been filed pursuant to Section 12-15-203 to
8 transfer the case to adult court or upon extension granted by
9 the court where the child could be considered a serious
10 juvenile offender pursuant to Section 12-15-219, or if the
11 child is alleged to have caused death or serious physical
12 injury to another person.

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

22 "~~(c)~~ (f) In releasing a child, a juvenile court or
23 the juvenile court intake officer may impose restrictions on
24 the travel, association, or place of abode of the child or
25 place the child under the supervision of a department, agency,
26 or organization agreeing to supervise him or her, and may
27 place the child under supervision such as electronic or

1 telephone monitoring, if available. A child, once placed in
2 detention, may also be released pursuant to the same
3 conditions should there be a need to release the child from a
4 juvenile detention facility because of an overcrowded
5 population.

6 "§12-15-132.

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

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

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

1 "(d) If a child is found to have violated the terms
2 of his or her probation or aftercare pursuant to a revocation
3 hearing, the juvenile court may extend the period of probation
4 or aftercare or make any other order of disposition specified
5 for a child adjudicated delinquent or in need of supervision
6 pursuant to Section 12-15-215, except that the juvenile court
7 may not place a child into the custody of the Department of
8 Youth Services or a residential facility funded by the
9 Department of Youth Services, but may place a child into
10 another residential facility subject to other provisions of
11 law Youth Services except pursuant to Section 12-15-215..

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

14 "§12-15-203.

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

26 "(b) The juvenile court judge shall conduct a
27 hearing on all motions for the purpose of determining whether

1 it is in the best interests of the child or the public to
2 grant the motion. Only if there are no reasonable grounds to
3 believe the child is committable to an institution,
4 department, or agency for individuals with an intellectual
5 disability or mental illness, may the juvenile court judge
6 order the case transferred for criminal prosecution.

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

12 "(d) Evidence of the following and other relevant
13 factors shall be considered in determining whether the motion
14 shall be granted:

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

16 "(2) The extent and nature of the prior delinquency
17 record of the child.

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

20 "(4) Demeanor.

21 "(5) The extent and nature of the physical and
22 mental maturity of the child.

23 "(6) The interests of the community and of the child
24 requiring that the child be placed under legal restraint or
25 discipline.

26 "(e) Prior to a hearing on the motion by the
27 prosecutor, a written study and report to the juvenile court

1 judge, relevant to the factors listed in subsection (d), shall
2 be made by a juvenile probation officer.

3 "(f) When a child is transferred for criminal
4 prosecution, the juvenile court judge shall set forth in
5 writing his or her reasons for granting the motion, which
6 shall include a finding of probable cause for believing that
7 the allegations are true and correct.

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

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

23 "(i) A conviction or adjudication as a youthful
24 offender of a child of a criminal offense, with the exception
25 of a nonfelony traffic offense, shall terminate the
26 jurisdiction of the juvenile court over that child with
27 respect to any future delinquent acts and with respect to any

1 pending allegations of delinquency which have not been
2 disposed of by the juvenile court at the time of the criminal
3 conviction or adjudication as a youthful offender. Any pending
4 or future criminal acts committed by the child shall be
5 prosecuted as other criminal charges are prosecuted.

6 Termination of the jurisdiction of the juvenile court over the
7 child with respect to future criminal charges and pending
8 allegations of delinquency, as provided herein, shall not
9 affect the jurisdiction of the juvenile court over the child
10 with respect to any other matter provided in this chapter,
11 specifically including any prior allegations of delinquency
12 which, at the time of the criminal conviction, has been
13 disposed of by the juvenile court either through informal
14 adjustment, consent decree, or adjudication. The juvenile
15 court is specifically authorized, to the extent practicable,
16 to continue exercising its jurisdiction over the child with
17 respect to such previously disposed delinquency cases after
18 the termination of its jurisdiction with respect to other
19 criminal charges, including jurisdiction to enforce its order
20 requiring the payment of fines, costs, restitution, or other
21 money ordered by the juvenile court pursuant to Section
22 12-15-117.

23 "§12-15-204.

24 "(a) Notwithstanding any other provision of law, any
25 person who has attained the age of 16 years at the time of the
26 conduct charged and who is charged with the commission of any
27 act or conduct, which if committed by an adult would

1 constitute any of the following, shall not be subject to the
2 jurisdiction of juvenile court but shall be charged, arrested,
3 and tried as an adult:

4 "(1) A capital offense.

5 "(2) A Class A felony.

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

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

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

13 "a. A law enforcement officer or official.

14 "b. A correctional officer or official.

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

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

17 "e. A district attorney or other prosecuting officer
18 or official.

19 "f. A judge or judicial official.

20 "g. A court officer or official or a detention
21 officer.

22 "h. A person who is a grand juror, juror, or witness
23 in any legal proceeding of whatever nature when the offense
24 stems from, is caused by, or is related to the role of the
25 person as a juror, grand juror, or witness.

26 "i. A teacher, principal, or employee of the public
27 education system of Alabama.

1 "(6) Trafficking in drugs in violation of Section
2 13A-12-231, or as the same may be amended.

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

17 "(b) Notwithstanding any other provision of law, any
18 person who has been convicted or adjudicated a youthful
19 offender in a court handling criminal offenses pursuant to the
20 provisions of this section shall not thereafter be subject to
21 the jurisdiction of juvenile court for any pending or
22 subsequent offense. Provided, however, pursuant to Section
23 12-15-117, the juvenile court shall retain jurisdiction over
24 an individual of any age for the enforcement of any prior
25 orders of the juvenile court requiring the payment of fines,
26 court costs, restitution, or other money ordered by the
27 juvenile court until paid in full.

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

5 "§12-15-207.

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

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

18 "(c) At the commencement of the detention or shelter
19 care hearing, the juvenile court shall advise the parent,
20 legal guardian, legal custodian, and the parties of the right
21 to counsel and shall appoint counsel if the juvenile court
22 determines they are indigent. The parties shall be informed of
23 the right of the child to remain silent. The parent, legal
24 guardian, legal custodian, and the parties shall also be
25 informed of the contents of the petition and, except as
26 provided herein, shall be given an opportunity to admit or
27 deny the allegations of the petition. Prior to the acceptance

1 of an admission of the allegations of the petition, the
2 juvenile court shall: (1) Verify if the child was previously
3 convicted or adjudicated a youthful offender pursuant to
4 Section 12-15-203 or (2) rule on any motion of the prosecutor
5 requesting the juvenile court to transfer the child for
6 criminal prosecution. The juvenile court shall not accept a
7 plea of guilt or an admission to the allegations of the
8 petition in any case in which the child will be transferred
9 for prosecution as an adult, either by grant of the motion of
10 the prosecutor to transfer or pursuant to Section 12-15-203.

11 "(d) All relevant and material evidence helpful in
12 determining the need for detention or shelter care may be
13 admitted by the juvenile court even though not admissible in
14 subsequent hearings, including the results of a detention risk
15 assessment.

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

22 "(f) If a person 18 years of age or older is alleged
23 to have violated a condition of probation or aftercare after
24 the person was adjudicated to be delinquent, and that person
25 is eligible for detention pursuant to subsection (b) of
26 Section 12-15-128, the juvenile court may order that the
27 person be confined in the appropriate jail or lockup for

1 adults as ordered by the juvenile court pursuant to the
2 criteria listed in Section 12-15-208.

3 "(g) Video conferencing shall follow the procedures
4 set out by the Supreme Court and may be used to conduct a
5 detention hearing unless one or more party objects and the
6 court finds good cause to hold the hearing in person.

7 "§12-15-209.

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

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

18 "(2) Place restrictions on the travel, association,
19 or place of abode of the child during the period of his or her
20 release, or place the child under electronic or telephone
21 monitoring, if available.

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

1 "(b) An order releasing a child on any conditions
2 specified in subsection (a) may at any time be amended to
3 impose additional or different conditions of release or to
4 return the child to custody for failure to conform to the
5 conditions originally imposed.

6 "§12-15-211.

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

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

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

1 "(d) If prior to discharge by the juvenile probation
2 officer or expiration of the consent decree, a new delinquency
3 or child in need of supervision petition is filed against the
4 child, or the child otherwise fails to fulfill express terms
5 and conditions of the decree, the petition under which the
6 child was continued under supervision may be reinstated after
7 a hearing and the case may proceed to adjudication.

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

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

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

22 "Provided, however, for orders entered following the
23 effective date of this act, a court may not extend the period
24 of probation or aftercare for non-payment of fines, fees,
25 court costs, or restitution, including those assessed against
26 a parent.

27 "§12-15-215.

1 "(a) If the juvenile court finds on proof beyond a
2 reasonable doubt, based upon competent, material, and relevant
3 evidence, that a child committed the acts by reason of which
4 the child is alleged to be delinquent or in need of
5 supervision, it may proceed immediately to hear evidence as to
6 whether the child is in need of care or rehabilitation and to
7 file its findings thereon. In the absence of evidence to the
8 contrary, a finding that the child has committed an act which
9 constitutes a felony is sufficient to sustain a finding that
10 the child is in need of care or rehabilitation. If the
11 juvenile court finds that the child is not in need of care or
12 rehabilitation, it shall dismiss the proceedings and discharge
13 the child from any detention or other temporary care
14 theretofore ordered. If the juvenile court finds that the
15 child is in need of care or rehabilitation, it may make any of
16 the following orders or dispositions, subject to the
17 limitations and prohibitions of this section, and the
18 limitations on secure custody or placement in the custody of
19 the Department of Youth Services contained in Section
20 12-15-208 and Section 12-15-132:

21 "(1) Permit the child to remain with the parent,
22 legal guardian, or other legal custodian of the child, subject
23 to the conditions and limitations the juvenile court may
24 prescribe in accordance with this section.

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

1 "(3) Transfer legal and physical custody to any of
2 the following:

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

5 "1. A child shall be eligible for placement with the
6 department only upon adjudication under this section for
7 either of the following:

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

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

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

12 "2. The court may order specific conditions that the
13 child must complete prior to release from custody of the
14 department, provided the condition does not extend treatment,
15 as approved by the department.

16 "3. The court may not order a determinate sentence
17 for a child committed to custody of the department, except
18 upon a finding that the child is a serious juvenile offender
19 pursuant to Section 12-15-219 or has caused the death of
20 another person .

21 4. Once a risk assessment has become available
22 pursuant to Section 9 of the act adding this amendatory
23 language, a court shall consider the contents and
24 recommendations of the risk and needs assessment prior to
25 placing any eligible child in the custody of the Department of
26 Youth Services. If the risk assessment recommends against
27 placement in the custody of the Department of Youth Services,

1 a court may only make the placement if accompanied by express
2 findings as to why placement is in the best interest of the
3 child or the community.

4 "b. In the case of a child in need of supervision,
5 ~~the Department of Youth Services, or~~ the Department of Human
6 Resources; provided however 1. that prior to any transfer of
7 custody to the Department of Human Resources, the case shall
8 first be referred to the county children's services
9 facilitation team, which must proceed according to Article 5;
10 and 2. that the child's commission of one or more status
11 offenses shall not constitute a sufficient basis for transfer
12 of legal or physical custody to the Department of Human
13 Resources. Upon referral to the county children's services
14 facilitation team, the juvenile probation officer shall
15 continue to provide case management to the status offender
16 unless the county children's services facilitation team
17 appoints another person to act as case manager. The juvenile
18 probation officer shall participate in county children's
19 services facilitation team meetings and share records
20 information and reports on the status offender with the county
21 children's services facilitation team. When the juvenile court
22 transfers legal and physical custody to the Department of
23 Human Resources, all requirements which shall be met for a
24 child to be eligible for federal funding shall apply,
25 including, but not limited to, the requirements set out in
26 Sections 12-15-312, 12-15-315, and 12-15-317.

1 "c. A local, public, or private agency,
2 organization, or facility willing and able to assume the
3 education, care, and maintenance of the child and which is
4 licensed or otherwise authorized by law to receive and provide
5 care for children.

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

9 "e. This subdivision applies to a child not in the
10 legal or physical custody of the Department of Youth Services
11 but ordered to be placed in a residential facility operated or
12 funded by the Department of Youth Services.

13 "(4) Make any other order as the juvenile court in
14 its discretion shall deem to be for the welfare and best
15 interests of the child after consideration of the results of a
16 validated risk and needs assessment, including random drug
17 screens, ~~assessment of fines not to exceed two hundred fifty~~
18 ~~dollars (\$250)~~, and restitution against the parent, legal
19 guardian, legal custodian, or child, as the juvenile court
20 deems appropriate. Costs for juvenile court-ordered drug
21 screening may not be ordered against the child, but may be
22 ordered against the parents, or may be ordered paid for by the
23 state out of moneys appropriated as "court costs not otherwise
24 provided for." Restitution against the parent, legal guardian,
25 legal custodian, or child shall be governed by the same
26 principles applicable in the Restitution to Victims of Crime
27 Act, commencing with Section 15-18-65, and restitution ordered

1 against the parents shall be limited to five thousand dollars
2 (\$5,000) collectively, except that restitution may only be
3 assessed for material loss, which means uninsured property
4 loss, uninsured out-of-pocket monetary loss, uninsured lost
5 wages, and uninsured medical expenses, and restitution may be
6 assessed for the cost of the victim's deductible.

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

10 "(6) In any case where a child is adjudicated
11 delinquent for possessing a pistol, short-barreled rifle, or
12 short-barreled shotgun, any pistol, short-barreled rifle, or
13 short-barreled shotgun possessed by that child is forfeited
14 and shall be ordered to be destroyed by the juvenile court.

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

19 "(c) No child in need of supervision, unless also a
20 delinquent child, shall be ordered to be placed in an
21 institution or facility established for the care and
22 rehabilitation of delinquent children ~~unless the juvenile~~
23 ~~probation officer submits a written recommendation and the~~
24 ~~juvenile court finds upon a further hearing that the child is~~
25 ~~not amenable to treatment or rehabilitation pursuant to any~~
26 ~~prior disposition.~~

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

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

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

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

8 ~~"c. Other educational records.~~

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

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

11 ~~"(3) The history of the child being involved with~~
12 ~~the juvenile court, including, but not limited to, informal~~
13 ~~adjustments, consent decrees, adjudications, and prior~~
14 ~~placements.~~

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

17 ~~"The written recommendations of the juvenile~~
18 ~~probation officer shall include evidence of the foregoing and~~
19 ~~other relevant factors.~~

20 ~~"(d) When a delinquent child may be committable to~~
21 ~~the Department of Mental Health, the juvenile court shall~~
22 ~~proceed as provided in Article 4, commencing with Section~~
23 ~~12-15-401.~~

24 ~~"(e) Whenever the juvenile court vests legal custody~~
25 ~~in an agency or department, it shall transmit with the order~~
26 ~~copies of the clinical reports, predisposition study, and~~

1 other information it has pertinent to the care and treatment
2 of the child.

3 "(f) When a child is placed in the legal custody of
4 a department, agency, organization, entity, or person as
5 provided in this section, when the parent, legal guardian, or
6 legal custodian of the child has resources for child support,
7 the juvenile court shall order child support in conformity
8 with the child support guidelines as set out in Rule 32,
9 Alabama Rules of Judicial Administration. The child support
10 shall be paid to the department, agency, organization, entity,
11 or person in whose legal custody the child is placed and may
12 be expended for those matters that are necessary for the
13 welfare and well-being of those children placed in the
14 departments, agencies, organizations, entities, or persons. In
15 these cases, the juvenile court shall issue income withholding
16 orders subject to state law.

17 "(g) Whenever the juvenile court commits a child to
18 a state or local department or agency or orders a state or
19 local department or agency to provide services or treatment
20 for a child, that department or agency shall accept the child
21 for commitment, ordered services, or treatment within seven
22 ~~days of the order of the juvenile court. Notwithstanding the~~
23 ~~foregoing, if compliance with the order of the juvenile court~~
24 ~~within seven days, including Section 44-1-24, would place a~~
25 ~~department or agency in violation of either a state statute or~~
26 ~~standard create a health or safety risk for the child or other~~
27 ~~children placed with the department or agency, then~~

1 ~~compliance is not required for a period of not more than 30~~
2 ~~days from notification. days of the order of the juvenile~~
3 ~~court. Notwithstanding the foregoing, if compliance with the~~
4 ~~order of the juvenile court within If the child remains at a~~
5 ~~juvenile detention facility after the expiration of seven days~~
6 ~~would place a department or agency in violation of either a~~
7 ~~state statute or standard, then compliance is not required,~~
8 ~~the county commission shall not be responsible for the cost of~~
9 ~~housing, medical care, or other expenses, and the state shall~~
10 ~~reimburse the facility for such costs, beginning on the eighth~~
11 ~~day; provided, however, that in no instance shall any child be~~
12 ~~held in a juvenile detention facility for more than a total of~~
13 ~~30 days following the order of the juvenile court.~~

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

23 "a. For a child adjudicated as a child in need of
24 supervision, nine months.

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

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

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

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

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

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

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

26 "(j) The juvenile court may continue exercising its
27 jurisdiction over the child with respect to previously

1 disposed delinquency cases after the termination of its
2 jurisdiction with respect to other criminal charges, including
3 jurisdiction to enforce its order requiring the payment of
4 finances, costs, restitution, or other money ordered by the
5 juvenile court pursuant to Section 12-15-117.

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

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

18 "(1) Probation conditions shall only be ordered
19 after consideration of the results of a validated risk and
20 needs assessment pursuant to Section 9 of the act adding this
21 amendatory language.

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

26 "(3)a. The court may not order that a child be
27 placed in secure custody or a residential facility upon

1 violation of probation or aftercare, unless the placement
2 would have been allowable under the original adjudication from
3 which the violation of probation or aftercare arose.

4 "b.1. Notwithstanding anything to the contrary in
5 this subdivision, the court, in addition to all other
6 sanctions, may order that a child be placed in detention upon
7 a violation of probation or aftercare of either an
8 adjudication of delinquency or child in need of supervision,
9 for the following time periods:

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

11 "(ii) Up to 48 hours for a second or subsequent
12 violation.

13 "2. An order to detention under this paragraph may
14 be either a short-term detention facility or a regional or
15 county detention facility.

16 "(4) No person shall be ordered into placement in a
17 residential facility, detention, or jail for non-payment of
18 finest, fees, court costs, or restitution unless the court
19 finds by clear and convincing evidence that the person had the
20 ability to pay and willfully refused to do so.

21 "§12-15-221.

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

25 "(1) A child, whose legal custody has been
26 transferred to a department, institution, agency, or person,
27 requesting the juvenile court for a modification or

1 termination of the order, alleging that the child is no longer
2 in need of placement or probation and the department,
3 institution, agency, or person has denied application for
4 release of the child or has failed to act upon the application
5 within a reasonable time; or

6 "(2) A department, institution, agency, or person
7 vested with legal custody or responsibility for probation,
8 requesting the juvenile court for a modification, an
9 extension, or a termination of the order on the grounds that
10 the action is in the best interests of the child or necessary
11 to safeguard the welfare of the child or the public interest.

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

25 "(c) The juvenile court shall only extend probation
26 or add additional conditions upon adjudication of a violation
27 of probation and consistent with the results of a validated

1 risk and needs assessment as provided in subsection (k) of
2 Section 12-15-215.

3 "§12-15-701.

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

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

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

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

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

19 "(c) In any proceeding based upon a child's arrest
20 for an act of prostitution, there is a presumption that the
21 child satisfies the definition of a sexually exploited child
22 as provided in this section.

23 "(d) If a law enforcement officer or a person seeks
24 to file a complaint against a child for an offense of
25 prostitution as provided in Section 13A-12-120 or 13A-12-121,
26 the juvenile court intake officer shall evaluate the complaint
27 to determine if the child is a sexually exploited child and

1 could have another complaint filed stating that the child is
2 alleged to be in need of supervision or alleged to be
3 dependent, and not a child alleged to be delinquent, pursuant
4 to Rule 12 of the Alabama Rules of Juvenile Procedure. A
5 juvenile probation officer who is designated to be a juvenile
6 court intake officer may determine if a child alleged to be in
7 need of supervision is appropriate for an informal adjustment
8 ~~pursuant to~~ subject to Section 12-15-119 and Rule 15 of the
9 Alabama Rules of Juvenile Procedure.

10 "(e) If a petition alleging that a sexually
11 exploited child is in need of supervision or is dependent is
12 filed, a sexually exploited child may be adjudicated a child
13 in need of supervision or a dependent child pursuant to
14 Section 12-15-102(4) and (8). Once the sexually exploited
15 child is adjudicated, the juvenile court shall retain
16 jurisdiction over the sexually exploited child and may enforce
17 prior orders requiring payment of court-ordered monies
18 pursuant to Section 12-15-117. The juvenile court may issue
19 any requisite order or conduct any hearing necessary to
20 protect the health or safety of a sexually exploited child
21 that is determined to be in the best interests of the child.
22 The juvenile court may also, on an emergency basis, enter an
23 order of protection or restraint to protect the health or
24 safety of a sexually exploited child.

25 "(f) A sexually exploited child who commits an act
26 of prostitution as provided in Section 13A-12-120 or
27 13A-12-121 may not be transferred from the jurisdiction of

1 juvenile court to any adult court pursuant to Section
2 12-15-203, except in those cases where the child has been
3 convicted or adjudicated a youthful offender divesting the
4 juvenile court of jurisdiction as provided in Sections
5 12-15-203(i) and 12-15-204(b).

6 "(g) A sexually exploited child who commits an act
7 of prostitution as provided in Section 13A-12-120 or
8 13A-12-121 shall be afforded all rights pursuant to Section
9 12-15-202.

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

13 "(1) Forensic evidence collection.

14 "(2) Forensic interviewing.

15 "(3) Counseling.

16 "(4) Advocacy.

17 "(5) Shelter.

18 "(6) Alcohol or substance abuse treatment.

19 "(7) Mental health services.

20 "(8) Medical treatment.

21 "(9) Legal services.

22 "(10) Educational tutoring, counseling, and language
23 interpreter services.

24 "(11) Crisis intervention services.

25 "(12) Safety planning.

1 "(13) Investigation and prosecution of the
2 individuals subjecting the child to sexual exploitation or
3 abuse.

4 "§12-25-9.

5 "The commission shall have the following
6 responsibilities:

7 "(1) To review state sentencing structure, including
8 laws, policies, and practices, and recommend changes to the
9 criminal code, criminal rules of procedure, and other aspects
10 of sentencing necessary to accomplish the purposes and
11 objectives of this article.

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

20 "(3) To make recommendations to the Governor,
21 Legislature, Attorney General, and Judicial System Study
22 Commission concerning the enactment of laws relating to
23 criminal offenses, sentencing, and correctional or probation
24 matters.

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

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

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

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

10 "a. Collect juvenile justice data.

11 "b. Monitor custody orders committing youth to the
12 Department of Youth Services and report comprehensive data on
13 orders that commit ineligible youth to the department to the
14 committee.

15 "c. Report juvenile justice data regularly to the
16 committee.

17 "§16-28-2.2.

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

24 "(1) The criminal liability and criminal sanctions
25 parents may be subject to under Section 16-28-12, for failing
26 to compel their child to properly conduct himself or herself

1 as a pupil, or for failing to ensure that their child attends
2 school or enrolls in school.

3 "(2) The necessity for a parent to monitor and
4 supervise the school work and educational activities of the
5 child.

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

10 "(4) Techniques and suggestions to enable a parent
11 to best supervise the school work and educational activities
12 of the child.

13 "(5) An explanation of the interrelationship of the
14 family life of a child and the educational achievement of the
15 child.

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

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

26 "(c) Local district attorneys and law enforcement
27 officials shall, at the request of the local board of

1 education, assist in the implementation and operation of this
2 section.

3 "§16-28-8.

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

18 "§16-28-13.

19 "No parent, guardian or other person having control
20 or charge of any child shall be convicted for failure to have
21 said child enrolled in school or for failure to send a child
22 to school or for failure to require such child to regularly
23 attend such school or tutor, or for failure to compel such
24 child to properly conduct himself as a pupil, if such parent,
25 guardian or other person having control or charge of such
26 child can establish to the reasonable satisfaction of the
27 court the following:

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

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

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

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

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

23 "A good cause or valid excuse, as used in this
24 section, exists when on account of sickness or other condition
25 attendance was impossible or entirely inadvisable or
26 impracticable or when, by virtue of the extraordinary

1 circumstances, the absence is generally recognized as
2 excusable; or

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

8 "§16-28-14.

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

24 "§16-28-16.

25 "(a) It shall be the duty of the county
26 superintendent of education or the city superintendent of
27 education, as the case may be, to require the attendance

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

24 "(b) Each child who is enrolled in a public school
25 shall be subject to the attendance and truancy provisions of
26 this article except that any parent or parents, guardian or
27 guardians who voluntarily enrolls their child in public

1 school, who feel that it is in the best interest of that child
2 shall have the right to withdraw the child at any time prior
3 to the current minimum compulsory attendance age.

4 "§16-28-17.

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

23 "§16-28-18.

24 "The attendance officer whose appointment is by this
25 article provided for shall keep an accurate record of all
26 notices served, all cases prosecuted and all other services
27 performed and shall make an annual report of the same to the

1 county board of education or to the city board of education by
2 whom he or she is employed, and to the Alabama State
3 Department of Education.

4 "§44-1-1.

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

11 "(1) Social and educational services and facilities
12 for any youth whom a juvenile judge deems in need of such
13 state services except pursuant to subdivision (13) of Section
14 44-1-24;

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

17 "(3) Cooperation with public and voluntary agencies,
18 organizations, and citizen groups in the development and
19 coordination of programs and activities directed toward the
20 prevention, control, and treatment of delinquency;

21 "(4) The promotion and improvement of community
22 conditions, programs, and resources to aid parents in
23 discharging their responsibilities for the care, development,
24 and well-being of their children; and

25 "(5) The promotion of improved communications
26 between the public and voluntary agencies and bodies of this

1 state responsible for ~~said~~ youth and the juvenile courts of
2 this state.

3 "§44-1-24.

4 "The Department of Youth Services shall perform the
5 following:

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

12 "(2) Provide for the expansion of local detention
13 care for youths alleged to be delinquent pending court
14 hearing.

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

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

23 "(5) Establish, maintain, and subsidize programs to
24 train employees of the department, juvenile courts, and law
25 enforcement personnel in such subject matters and techniques
26 as may be necessary to assure efficient and effective

1 administration of services in accordance with the purpose of
2 this chapter.

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

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

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

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

26 "(9) Accept gifts, trusts, bequests, grants,
27 endowments, or transfers of property of any kind and prudently

1 to manage the property in accordance with sound financial
2 principles.

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

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

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

16 "(13) If the court commits a youth who, based on
17 information provided by the court, the department deems is
18 ineligible for custody to the custody of the department, the
19 department may file a motion to reconsider with the court.

20 "§44-1-36.

21 "(a) In the event a committed youth shall be
22 diagnosed in writing as mentally ill to the degree that ~~said~~
23 the youth is unable to profit from the programs operated by
24 ~~the department of youth services~~ Department of Youth Services
25 for the benefit of delinquent youth, the department may
26 petition the proper juvenile court for the commitment of the
27 ~~said~~ youth to the state hospital for the mentally ill. The

1 diagnosis must be made by a person who is legally and
2 professionally qualified under the laws of Alabama to make
3 such a diagnosis.

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

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

19 "(d) A committed youth shall be released into
20 aftercare when the department determines that ~~said the~~ youth
21 is no longer in need of the services of the state training
22 schools and can function within open society under the
23 supervision of a probation officer in accordance with terms
24 and conditions as established by the committing court. The
25 department shall notify the committing court in writing at
26 least 10 days in advance of the release. The committing court,
27 at the time of release into aftercare, shall then invest

1 custody in a party which the court deems suitable. An order of
2 aftercare shall be issued pursuant to subsection (k) of
3 Section 12-15-215.

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

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

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

25 "(1) The termination of the commitment order and the
26 issuance of such other orders respecting the legal custody and

1 continued supervision of the youth as may be warranted under
2 the circumstances, or

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

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

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

22 Section 2. (a) For the purposes of this section, a
23 "detention risk assessment tool" means an evidence-based tool
24 that is designed to assist in making detention determinations
25 by assessing a child's risk of failure to appear in court or
26 reoffend prior to adjudication.

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

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

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

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

27 (b) Each agreement shall establish the following:

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

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

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

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

20 Section 4. (a) The Alabama State Department of
21 Education shall require the Superintendent of Education, or
22 his or her designee, in each local school district to develop,
23 approve, and submit an annual plan to the department outlining
24 early warning truancy prevention programming for children and
25 their families in the home or school setting in response to
26 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~~ shall be reinvested into
5 non-custodial 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 deviant sexual intercourse or having sexual contact or
19 soliciting a sex act or sexual contact with a student, as
20 provided by ~~Section~~ Sections 13A-6-81 and 13A-6-82.

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

26 "(23) Facilitating solicitation of unlawful sexual
27 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 Section 10 of this act relating to delinquent sex
3 offenses and the remaining provisions of this act shall become
4 effective on the first day of the third month following its
5 passage and approval by the Governor, or its otherwise
6 becoming law.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Judiciary 16-JAN-18

Read for the second time and placed
on the calendar with 1 substitute
and 3 amendments..... 08-MAR-18

Read for the third time and passed
as amended..... 15-MAR-18

Yeas 68, Nays 20, Abstains 2

Jeff Woodard
Clerk