

1 DRAFT

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SYNOPSIS: This bill would implement the recommendations of the Alabama Juvenile Justice Task Force and would substantially revise provisions relating to the juvenile justice system in this state.

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

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

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

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

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

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

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

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

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

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

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

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

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

17  
18 A BILL

19 TO BE ENTITLED

20 AN ACT

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

1 Code of Alabama 1975, to expand early interventions to address  
2 the needs of certain youth prior to court involvement; to  
3 require development of a statewide detention risk assessment  
4 tool for pre-adjudication detention decisions; to provide for  
5 video conferencing of certain detention hearings under certain  
6 conditions; to establish standards for informal adjustments  
7 for certain youth; to reduce the number of offenses that may  
8 be transferred to criminal court under certain circumstances;  
9 to remove the assessment of fines or court costs against  
10 children under certain conditions; to provide for a risk and  
11 needs assessment tool to aid courts in determining when  
12 placement in the custody of the Department of Youth Services  
13 is necessary; to specify those offenses that would make a  
14 child eligible for placement with the Department of Youth  
15 Services; to further specify the length of supervision ordered  
16 by a juvenile court; to require local boards of education to  
17 inform parents of services available relating to absenteeism  
18 and other school-related misconduct; to create the Juvenile  
19 Justice Reinvestment Fund, administered by the Department of  
20 Youth Services; to require the Administrative Office of Courts  
21 and the Department of Youth Services to develop and adopt a  
22 risk and needs assessment; to create the Juvenile Justice Fund  
23 Oversight Committee and to provide for its membership and  
24 duties; and to amend Section 15-20A-5, Code of Alabama 1975,  
25 as last amended by Act 2018-528, 2018 Regular Session, to  
26 provide courts discretion as to requiring a child to comply

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

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

11 "§12-15-102.

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

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

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

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

22 "(3) Child. An individual under the age of 18 years  
23 of age, or under 21 years of age and before the juvenile court  
24 for a delinquency matter arising before that individual's 18th  
25 birthday, or under 19 years of age and before the juvenile  
26 court for a child in need of supervision matter. Where a  
27 delinquency petition alleges that an individual, prior to the

1 individual's 18th birthday, has committed an offense for which  
2 there is no statute of limitation pursuant to Section 15-3-5,  
3 the term child also shall include the individual subject to  
4 the petition, regardless of the age of the individual at the  
5 time of filing.

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

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

18 "1. The juvenile court determines that the parent,  
19 legal guardian, or legal custodian of the child was solely  
20 responsible for the nonattendance of the child.

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

24 "b. Disobeys the reasonable and lawful demands of  
25 his or her parent, legal guardian, or legal custodian and is  
26 beyond the control of the parent, legal guardian, or legal  
27 custodian.

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

4 "d. Commits an offense established by law but not  
5 classified as criminal.

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

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

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

20 "~~1.~~ b. A nonfelony traffic offense or water safety  
21 offense other than one charged pursuant to Section 32-5A-191  
22 or 32-5A-191.3 or a municipal ordinance prohibiting the same  
23 conduct.

24 "~~2.~~ A capital offense.

25 "~~3.~~ A Class A felony.

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

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

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

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

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

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

9           ~~"(iv) A juvenile court probation officer or~~  
10 ~~official.~~

11           ~~"(v) A district attorney or other prosecuting~~  
12 ~~officer or official.~~

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

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

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

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

21           ~~"7. Trafficking in drugs in violation of Section~~  
22 ~~13A-12-231, or as the same may be amended.~~

23           ~~"8. Any lesser included offense of the offenses in~~  
24 ~~subparagraphs 1 to 7, inclusive, charged or any lesser felony~~  
25 ~~offense charged arising from the same facts and circumstances~~  
26 ~~and committed at the same time as the offenses listed in~~  
27 ~~subparagraphs 1 to 7, inclusive.~~



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

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

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

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

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

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

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

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

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

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

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

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

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

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

23           "(11) INTAKE OFFICER. A juvenile probation officer  
24 or an employee of the judicial branch of government, who is  
25 neutral and detached from executive and legislative branch  
26 activities, designated by the juvenile court judge to initiate  
27 original delinquency, dependency, and child in need of

1 supervision cases, as well as cases designated in Section  
2 12-15-132 before the juvenile court. The juvenile court intake  
3 officer shall be appointed a magistrate pursuant to Rule 18,  
4 Alabama Rules of Judicial Administration, to issue warrants of  
5 arrest for individuals 18 years of age or older committing  
6 criminal offenses under the jurisdiction of the juvenile  
7 court.

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

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

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

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

23 "(16) LEGAL CUSTODY. A legal status created by order  
24 of the juvenile court which vests in a legal custodian the  
25 right to have physical custody of a child under the  
26 jurisdiction of the juvenile court pursuant to this chapter  
27 and the right and duty to protect, train, and discipline the

1 child and to provide the child with food, shelter, clothing,  
2 education, and medical care, all subject to the powers,  
3 rights, duties, and responsibilities of the legal guardian of  
4 the person of the child and subject to any residual parental  
5 rights and responsibilities. A parent, person, agency, or  
6 department granted legal custody shall exercise the rights and  
7 responsibilities personally, unless otherwise restricted by  
8 the juvenile court.

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

16 "(18) MINOR. An individual who is under the age of  
17 19 years and who is not a child within the meaning of this  
18 chapter.

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

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

1           "(21) PROBATION. The legal status created by order  
2 of the juvenile court following an adjudication of delinquency  
3 or in need of supervision whereby a child is permitted to  
4 remain in a community subject to supervision and return to the  
5 juvenile court for violation of probation at any time during  
6 the period of probation.

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

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

23           "(24) SECURE CUSTODY. As used with regard to  
24 juvenile detention facilities and the Department of Youth  
25 Services, this term means residential facilities with  
26 construction features designed to physically restrict the  
27 movements and activities of persons in custody such as locked

1 rooms and buildings, including rooms and buildings that  
2 contain alarm devices that prevent departure; fences; or other  
3 physical structures. This term does not include facilities  
4 where physical restriction of movement or activity is provided  
5 solely through facility staff.

6 "(25) SHELTER CARE. The temporary care of children  
7 in group homes, foster care, relative placement, or other  
8 nonpenal facilities.

9 "§12-15-107.

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

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

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

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

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

25 "(5) Make predisposition studies and submit reports  
26 and recommendations to the juvenile court as required by this  
27 chapter.

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

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

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

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

1                   "§12-15-119.

2                   "(a) (1) After a verified complaint has been filed  
3 and before a petition alleging delinquency or in need of  
4 supervision is filed, the juvenile court intake officer,  
5 subject to the direction of the juvenile court, may shall  
6 offer give counsel and advice to the parties child for the  
7 purpose of an informal adjustment pursuant to rules of  
8 procedure adopted by the Supreme Court of Alabama. pursuant to  
9 rules of procedure adopted by the Supreme Court of Alabama if  
10 both of the following are satisfied:

11                   "(1) a. The complaint alleges that the child has  
12 either committed a misdemeanor not involving a deadly weapon  
13 as defined in Section 13A-1-2, is a child in need of  
14 supervision, has committed a sex offense, or has committed a  
15 delinquent act where restitution is owed to the victim.

16                   "(2) b. The child has no prior delinquency or child  
17 in need of supervision complaints. The juvenile court intake  
18 officer may offer the child an informal adjustment on a  
19 subsequent complaint. need of supervision complaints.

20                   "(2) The juvenile court intake officer may offer the  
21 child an informal adjustment on a complaint that alleges the  
22 child has either committed a delinquent act not involving a  
23 deadly weapon as defined in Section 13A-1-2, is a child in  
24 need of supervision, has committed a sex offense, or has  
25 committed a delinquent act where restitution is owed to the  
26 victim.



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

4           "§12-15-120.

5           "(a) Delinquency, child in need of supervision, and  
6 dependency cases and proceedings pursuant to Section 12-15-132  
7 before the juvenile court shall be initiated by the filing of  
8 a petition by the juvenile court intake officer who shall  
9 receive verified complaints and proceed thereon pursuant to  
10 rules of procedure adopted by the Supreme Court of Alabama.

11           "(b) A petition alleging that a child is a  
12 delinquent child, dependent child, or a child in need of  
13 supervision shall not be filed by a juvenile court intake  
14 officer unless the juvenile court intake officer has  
15 determined and endorsed upon the petition that ~~the juvenile~~  
16 ~~court has subject matter jurisdiction and venue over the case~~  
17 ~~and that the filing of the petition is in the best interests~~  
18 ~~of the public and the child.~~ all of the following are  
19 satisfied:

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

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

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

1           "(c) A petition alleging that a child is in need of  
2 supervision for habitual truancy shall not be filed unless a  
3 representative of the school has provided written  
4 documentation to the intake officer that the school made  
5 reasonable efforts to engage the child in an early warning  
6 truancy prevention program.

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

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

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

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

19           "(4) That court intervention is needed.

20           "§12-15-126.

21           "If it appears from a sworn statement, written or  
22 verbal, presented to the juvenile court that a child needs to  
23 be placed in detention or shelter or other care, pursuant to  
24 the criteria provided in Section 12-15-128, the juvenile court  
25 may issue a pick-up order that a law enforcement officer or  
26 other person authorized by this chapter shall at once take the  
27 child into custody and take him or her to the place of

1 detention or shelter or other care designated by the juvenile  
2 court.

3 "§12-15-127.

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

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

12 "(2) Release the child to the parents, legal  
13 guardian, or legal custodian of the child upon his or her  
14 promise to bring the child before the juvenile court when  
15 requested, unless the placement of the child in detention or  
16 shelter care appears required pursuant to the criteria  
17 provided in Section 12-15-128. If a parent, legal guardian, or  
18 other legal custodian fails, when requested, to bring the  
19 child before the juvenile court as provided in this section,  
20 the juvenile court may issue an order directing that the child  
21 be taken into custody and brought before the juvenile court,  
22 in accordance with subsection (b).

23 "(3) Bring the child, if not released, to the place  
24 designated by the juvenile court and give written notice of  
25 the action taken and the reasons for taking the child into  
26 custody to the juvenile court intake officer, to the parent,

1 legal guardian, or other legal custodian of the child, and, in  
2 the case of dependency, to the Department of Human Resources.

3 "(b) Prior to authorizing the admission of the child  
4 to detention, shelter, or other care, the juvenile court  
5 intake officer, on an allegation of delinquency or in need of  
6 supervision or of dependency, shall administer a detention  
7 risk assessment tool to any child who is under consideration  
8 for placement in detention, developed pursuant to Section 2 of  
9 the act adding this amendatory language, and review the need  
10 for detention or shelter care, including reviewing the written  
11 notice of the person who took the child into custody without  
12 an order of the juvenile court and the results of the  
13 detention risk assessment tool, and shall direct the law  
14 enforcement officer or other person currently having the child  
15 in custody to release the child unless detention or shelter  
16 care is required pursuant to Section 12-15-128. The juvenile  
17 court intake officer may allow release with or without  
18 electronic or telephone monitoring pending the 72-hour hearing  
19 requirement.

20 "(c) A person taking a child or minor into custody  
21 pursuant to subdivision (3) of subsection (a) of Section  
22 12-15-125 shall bring the child or minor to a medical or  
23 mental health facility if the child or minor is believed to be  
24 suffering from a serious mental health condition, illness, or  
25 injury which requires either prompt treatment or prompt  
26 diagnosis for the welfare of the child or minor or for  
27 evidentiary purposes, and, in the most expeditious manner

1 possible, give notice of the action taken together with a  
2 statement of taking the child or minor into custody in writing  
3 to the court, the parents, legal guardian or other legal  
4 custodian and to the intake office and to the Department of  
5 Human Resources in the case of a dependency allegation.

6 "§12-15-128.

7 "(a) An allegedly delinquent child, dependent child,  
8 or child in need of supervision lawfully taken into custody  
9 shall immediately be released, upon the ascertainment of the  
10 necessary facts and in a case of a child alleged to be  
11 delinquent and where detention is ~~requested~~ being considered,  
12 upon consideration of the statewide detention risk assessment  
13 tool, developed pursuant to Section 2 of the act adding this  
14 amendatory language, to the care, custody, and control of the  
15 parent, legal guardian, or legal custodian of the child or  
16 other suitable person able to provide supervision and care for  
17 the child, unless the juvenile court or juvenile court intake  
18 officer, subject to the limitations in Section 12-15-208,  
19 finds any of the following:

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

23 "(2) The release of the child would present a clear  
24 and substantial threat of a serious nature to the person or  
25 property of others and where the child is alleged to be  
26 delinquent.

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

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

6           "(5) The child is alleged to be delinquent for  
7 possessing a pistol, short-barreled rifle, or short-barreled  
8 shotgun, in which case the child may be detained in a juvenile  
9 detention facility until the hearing required by Section  
10 12-15-207. Pistol as used in this section shall be as defined  
11 in subdivision (1) of Section 13A-11-70. Short-barreled rifle  
12 and short-barreled shotgun as used in this section shall be as  
13 defined in Section 13A-11-62.

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

18           "(c) A child alleged to be in need of supervision  
19 shall not be placed in detention except pursuant to Section  
20 12-15-208.

21           "(d) The length of stay in detention  
22 pre-adjudication may not exceed 30 days, except in those cases  
23 where a petition has been filed pursuant to Section 12-15-203.  
24 where a motion has been filed pursuant to Section 12-15-203 to  
25 transfer the case to adult court or upon extension granted by  
26 the court where the child could be considered a serious  
27 juvenile offender pursuant to Section 12-15-219, if the child

1 is alleged to have caused death or serious physical injury to  
2 another person, or if there is a substantial and compelling  
3 reason justifying an extension. If the court finds a  
4 substantial and compelling reason justifying an extension, the  
5 court shall enter an order of specific findings for the  
6 extension.

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

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

27 "§12-15-132.

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

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

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

22           "(d) If a child is found to have violated the terms  
23 of his or her probation or aftercare pursuant to a revocation  
24 hearing, the juvenile court may extend the period of probation  
25 or aftercare or make any other order of disposition specified  
26 for a child adjudicated delinquent or in need of supervision  
27 pursuant to Section 12-15-215, except that the juvenile court



1 may not place a child into the custody of the Department of  
2 Youth Services or a residential facility funded by the  
3 Department of Youth Services, but may place a child into  
4 another residential facility subject to other provisions of  
5 law Youth Services, but may place a child in a residential  
6 facility funded by the Department of Youth Services or another  
7 residential facility subject to the provisions of law.

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

10 "§12-15-203.

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

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

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

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

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

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

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

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

16 "(4) Demeanor.

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

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

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

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

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

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

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

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

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

19 "§12-15-204.

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

27 "(1) A capital offense.

1           "(2) A Class A felony.

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

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

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

9           "a. A law enforcement officer or official.

10          "b. A correctional officer or official.

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

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

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

15          "f. A judge or judicial official.

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

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

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

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

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

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

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

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

1           "§12-15-207.

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

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

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

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

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

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

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

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



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

3 "§12-15-209.

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

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

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

17 "(3) Impose any other condition deemed reasonably  
18 necessary and consistent with the criteria for detaining  
19 children specified in Section 12-15-128, ~~including~~ other than  
20 a condition requiring that the child return to custody ~~as~~  
21 required of the Department of Youth Services; provided  
22 however, a child may be placed in a residential facility  
23 funded by the Department of Youth Services or another  
24 residential facility subject to the provisions of law.

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

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

3 "§12-15-211.

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

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

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

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

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

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

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

14 "(g) (1) The juvenile court shall retain jurisdiction  
15 over an individual of any age for the enforcement of any prior  
16 orders of the juvenile court requiring the payment of court  
17 costs, restitution, or other money ordered by the juvenile  
18 court until paid in full.

19 (2) Provided, however, for orders entered following  
20 the effective date of this act, a court may not extend the  
21 period of probation or aftercare for non-payment of fines,  
22 fees, court costs, or restitution, including those assessed  
23 against a parent.

24 "§12-15-215.

25 "(a) If the juvenile court finds on proof beyond a  
26 reasonable doubt, based upon competent, material, and relevant  
27 evidence, that a child committed the acts by reason of which

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

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

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

25 "(3) Transfer legal and physical custody to any of  
26 the following:

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

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

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

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

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

10          "C. If a child is not eligible for placement with  
11 the department, the child may be placed in a local detention  
12 facility or other residential facility as provided by law.

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

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

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

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

5 "b. In the case of a child in need of supervision,  
6 ~~the Department of Youth Services, or~~ the Department of Human  
7 Resources; provided however 1. that prior to any transfer of  
8 custody to the Department of Human Resources, the case shall  
9 first be referred to the county children's services  
10 facilitation team, which must proceed according to Article 5;  
11 and 2. that the child's commission of one or more status  
12 offenses shall not constitute a sufficient basis for transfer  
13 of legal or physical custody to the Department of Human  
14 Resources. Upon referral to the county children's services  
15 facilitation team, the juvenile probation officer shall  
16 continue to provide case management to the status offender  
17 unless the county children's services facilitation team  
18 appoints another person to act as case manager. The juvenile  
19 probation officer shall participate in county children's  
20 services facilitation team meetings and share records  
21 information and reports on the status offender with the county  
22 children's services facilitation team. When the juvenile court  
23 transfers legal and physical custody to the Department of  
24 Human Resources, all requirements which shall be met for a  
25 child to be eligible for federal funding shall apply,  
26 including, but not limited to, the requirements set out in  
27 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) (1) Whenever the juvenile court commits a child  
18 to 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. 10 days of transmittal of the order of~~  
3 ~~the juvenile court.~~ Notwithstanding the foregoing, if  
4 ~~compliance with the order of the juvenile court within~~ If the  
5 child remains at a juvenile detention facility after the  
6 expiration of 10 days from transmittal of the order of the  
7 juvenile court would place a department or agency in violation  
8 of either a state statute or standard, then compliance is not  
9 required, the county commission shall not be responsible for  
10 the cost of housing, medical care, or other expenses, and the  
11 state shall reimburse the facility for such costs, beginning  
12 on the eleventh day; provided, however, that in no instance  
13 shall any child be held in a juvenile detention facility for  
14 more than a total of 30 days following the order of the  
15 juvenile court.

16 (2) Notwithstanding subdivision (1), for juveniles  
17 committed to the custody of the Department of Youth Services,  
18 the juvenile probation officer shall electronically transfer  
19 the risk assessment and social evaluation previously submitted  
20 to the court to the department and the regional detention  
21 facility where the juvenile is detained simultaneously with  
22 the court order of the juvenile court. The department shall be  
23 responsible for the cost of housing, medical care, and other  
24 expenses for the juvenile following the tenth business day  
25 after such receipt. The 10-day limit may be extended, with the  
26 consent of the county commission and sheriff, to allow the  
27 consolidation of transportation for two or more children being

1 transferred to the custody of the Department of Youth  
2 Services.

3 "(h) (1) The proper length of supervision, from  
4 initial disposition to final discharge, including any time  
5 spent on nonresidential probation or on aftercare, not  
6 including any extensions for violations of probation or  
7 aftercare, shall be assumed to be equal or less than the  
8 periods set out in paragraphs a. through d.; however, such  
9 probation or aftercare may be extended for up to six months at  
10 a time when the court finds doing so is in the best interest  
11 of the child:

12 "a. For a child adjudicated as a child in need of  
13 supervision, nine months.

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

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

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

26 "(2) For the purposes of this subsection, a child's  
27 maximum recommended length of probation supervision should be

1 based on the most serious adjudicated charge arising from a  
2 single incident.

3 "(3) For the purposes of this subsection, if a child  
4 is adjudicated on multiple charges, the court may not apply  
5 the maximum length of supervision for the charges  
6 consecutively. If a child is adjudicated for multiple cases  
7 simultaneously, the court shall apply the maximum length of  
8 supervision for all charges concurrently.

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

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

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

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

4           "(1) Probation conditions shall only be ordered  
5 after consideration of the results of a validated risk and  
6 needs assessment pursuant to Section 9 of the act adding this  
7 amendatory language.

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

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

17           "b.1. Notwithstanding anything to the contrary in  
18 this subdivision, the court, in addition to all other  
19 sanctions, may order that a child be placed in detention upon  
20 a violation of probation or aftercare of either an  
21 adjudication of delinquency or child in need of supervision,  
22 for the following time periods:

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

24           "(ii) Up to 48 hours for a second or subsequent  
25 violation.

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

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

9           "§12-15-221.

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

13           "(1) A child, whose legal custody has been  
14 transferred to a department, institution, agency, or person,  
15 requesting the juvenile court for a modification or  
16 termination of the order, alleging that the child is no longer  
17 in need of placement or probation and the department,  
18 institution, agency, or person has denied application for  
19 release of the child or has failed to act upon the application  
20 within a reasonable time; or

21           "(2) A department, institution, agency, or person  
22 vested with legal custody or responsibility for probation,  
23 requesting the juvenile court for a modification, an  
24 extension, or a termination of the order on the grounds that  
25 the action is in the best interests of the child or necessary  
26 to safeguard the welfare of the child or the public interest.

1           "(b) The juvenile court may dismiss the motions  
2 filed pursuant to subsection (a) if, after preliminary  
3 investigation, it finds that they are without substance. If  
4 the juvenile court is of the opinion that the order should be  
5 reviewed, upon due notice to all necessary parties as  
6 prescribed by rules of court, it may proceed to a hearing in  
7 the same manner and under the same safeguards provided for in  
8 this chapter for the issuance of the original order. It may  
9 thereupon terminate the order if it finds the child is no  
10 longer in need of care or rehabilitation or it may enter an  
11 order extending or modifying the original order if it finds  
12 this action necessary to safeguard the child or the public  
13 interest.

14           "(c) The juvenile court shall only extend probation  
15 or add additional conditions upon adjudication of a violation  
16 of probation and consistent with the results of a validated  
17 risks and needs assessment.

18           "§12-15-701.

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

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

26           "(2) Engaged in prostitution as provided in Section  
27 13A-12-120 or 13A-12-121.



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

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

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

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

25           "(e) If a petition alleging that a sexually  
26 exploited child is in need of supervision or is dependent is  
27 filed, a sexually exploited child may be adjudicated a child

1 in need of supervision or a dependent child pursuant to  
2 Section 12-15-102(4) and (8). Once the sexually exploited  
3 child is adjudicated, the juvenile court shall retain  
4 jurisdiction over the sexually exploited child and may enforce  
5 prior orders requiring payment of court-ordered monies  
6 pursuant to Section 12-15-117. The juvenile court may issue  
7 any requisite order or conduct any hearing necessary to  
8 protect the health or safety of a sexually exploited child  
9 that is determined to be in the best interests of the child.  
10 The juvenile court may also, on an emergency basis, enter an  
11 order of protection or restraint to protect the health or  
12 safety of a sexually exploited child.

13 "(f) A sexually exploited child who commits an act  
14 of prostitution as provided in Section 13A-12-120 or  
15 13A-12-121 may not be transferred from the jurisdiction of  
16 juvenile court to any adult court pursuant to Section  
17 12-15-203, except in those cases where the child has been  
18 convicted or adjudicated a youthful offender divesting the  
19 juvenile court of jurisdiction as provided in Sections  
20 12-15-203(i) and 12-15-204(b).

21 "(g) A sexually exploited child who commits an act  
22 of prostitution as provided in Section 13A-12-120 or  
23 13A-12-121 shall be afforded all rights pursuant to Section  
24 12-15-202.

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

- 1           "(1) Forensic evidence collection.
- 2           "(2) Forensic interviewing.
- 3           "(3) Counseling.
- 4           "(4) Advocacy.
- 5           "(5) Shelter.
- 6           "(6) Alcohol or substance abuse treatment.
- 7           "(7) Mental health services.
- 8           "(8) Medical treatment.
- 9           "(9) Legal services.
- 10           "(10) Educational tutoring, counseling, and language  
11 interpreter services.
- 12           "(11) Crisis intervention services.
- 13           "(12) Safety planning.
- 14           "(13) Investigation and prosecution of the  
15 individuals subjecting the child to sexual exploitation or  
16 abuse.
- 17           "§12-25-9.
- 18           "The commission shall have the following  
19 responsibilities:
- 20           "(1) To review state sentencing structure, including  
21 laws, policies, and practices, and recommend changes to the  
22 criminal code, criminal rules of procedure, and other aspects  
23 of sentencing necessary to accomplish the purposes and  
24 objectives of this article.
- 25           "(2) To review the overcrowding problem in county  
26 jails, with particular emphasis on funding for the county  
27 jails and the proper removal of state prisoners from county

1 jails pursuant to state law and state and federal court  
2 orders, and to make recommendations for resolution of these  
3 issues to the Governor, Legislature, Attorney General, and  
4 Judicial System Study Commission before the 2002 Regular  
5 Legislative Session.

6 "(3) To make recommendations to the Governor,  
7 Legislature, Attorney General, and Judicial System Study  
8 Commission concerning the enactment of laws relating to  
9 criminal offenses, sentencing, and correctional or probation  
10 matters.

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

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

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

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

22 "a. Collect juvenile justice data.

23 "b. Monitor custody orders committing youth to the  
24 Department of Youth Services and report comprehensive data on  
25 orders that commit ineligible youth to the department to the  
26 committee.

1                   "c. Report juvenile justice data regularly to the  
2                   committee.

3                   "§16-28-2.2.

4                   "(a) Local boards of education, pursuant to  
5                   guidelines established by the State Board of Education, shall  
6                   establish educational programs to inform parents of school  
7                   children of their education-related responsibilities to their  
8                   children. The programs shall include, but shall not be limited  
9                   to, coverage of each of the following topics:

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

15                  "(2) The necessity for a parent to monitor and  
16                  supervise the school work and educational activities of the  
17                  child.

18                  "(3) An explanation of the responsibilities of  
19                  teachers and the school system to a child, and an enumeration  
20                  of those matters that are strictly the responsibility of the  
21                  parent.

22                  "(4) Techniques and suggestions to enable a parent  
23                  to best supervise the school work and educational activities  
24                  of the child.

25                  "(5) An explanation of the interrelationship of the  
26                  family life of a child and the educational achievement of the  
27                  child.

1                   "(6) An explanation of the services available to  
2 parents and families of school children that may be accessed  
3 in response to absenteeism and other school-related  
4 misconduct.

5                   "(b) The State Board of Education and local boards  
6 of education shall develop strategies to ensure that parents  
7 of school children receive this information. These strategies  
8 may include provisions for weekend meetings, one-to-one  
9 conferences, telephone communications, and neighborhood  
10 meetings.

11                   "(c) Local district attorneys and law enforcement  
12 officials shall, at the request of the local board of  
13 education, assist in the implementation and operation of this  
14 section.

15                   "§16-28-8.

16                   "All school officers, including those in private  
17 schools, or private tutors, but not those in church schools,  
18 in this state offering instruction to pupils within the  
19 compulsory attendance ages, shall make and furnish all reports  
20 that may be required by the State Superintendent of Education  
21 and by the county superintendent of education or by the board  
22 of education of any city with reference to the workings of  
23 this article. The principal teacher of each public school,  
24 private school, church school and each private tutor shall  
25 keep an attendance register showing the enrollment of the  
26 school and every absence of each enrolled child from school  
27 for a half day or more during each school day of the year, L

1 along with any efforts made to intervene with the child and  
2 that child's family to address school absence.

3 "§16-28-13.

4 "No parent, guardian or other person having control  
5 or charge of any child shall be convicted for failure to have  
6 said child enrolled in school or for failure to send a child  
7 to school or for failure to require such child to regularly  
8 attend such school or tutor, or for failure to compel such  
9 child to properly conduct himself as a pupil, if such parent,  
10 guardian or other person having control or charge of such  
11 child can establish to the reasonable satisfaction of the  
12 court the following:

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

17 "(2) That such parent, guardian or other person is  
18 unable to provide necessary books and clothes in order that  
19 the child may attend school in compliance with law, and that  
20 such parent, guardian or other person had prior to the opening  
21 of the school, or immediately after the beginning of such  
22 dependency, reported such dependent condition to the juvenile  
23 court of the county and offered to turn the child over to the  
24 State Department of Human Resources as a dependent child; or

25 "(3) That such parent, guardian or other person has  
26 made a bona fide effort to control such child and is unable to

1 do so, and files in court a written statement that he is  
2 unable to control such child; or

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

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

9 "A good cause or valid excuse, as used in this  
10 section, exists when on account of sickness or other condition  
11 attendance was impossible or entirely inadvisable or  
12 impracticable or when, by virtue of the extraordinary  
13 circumstances, the absence is generally recognized as  
14 excusable; or

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

20 "§16-28-14.

21 "In case any child becomes an habitual truant, or  
22 because of irregular attendance or misconduct has become a  
23 menace to the best interest of the school which he is  
24 attending or should attend, and the parent, guardian or other  
25 person files a written statement in court as provided in  
26 Section 16-28-13, stating that he is unable to control such  
27 child, and the child has been afforded the opportunity in the



1 preceding 12 months to participate in an early warning truancy  
2 prevention program in the school or at home in response to the  
3 nonenrollment or nonattendance, the attendance officer must  
4 file a complaint before the judge of the juvenile court of the  
5 county, alleging the facts, whereupon such child must be  
6 proceeded against in the juvenile court for the purpose of  
7 ascertaining whether such child is a dependent, neglected or  
8 delinquent child.

9 "§16-28-16.

10 "(a) It shall be the duty of the county  
11 superintendent of education or the city superintendent of  
12 education, as the case may be, to require the attendance  
13 officer to investigate all cases of nonenrollment and of  
14 nonattendance. In all cases investigated where no valid reason  
15 for nonenrollment or nonattendance is found, the attendance  
16 officer shall give written notice to the parent, guardian, or  
17 other person having control of the child. In the event of the  
18 absence of the parent, guardian, or other person having  
19 control of the child from his or her usual place of residence,  
20 the attendance officer shall leave a copy of the notice with  
21 some person over 12 years of age residing at the usual place  
22 of residence, with instructions to hand the notice to the  
23 parent, guardian, or other person having control of the child,  
24 which notice shall require the attendance of the child at the  
25 school within three days from the date of the notice. In the  
26 event the investigation discloses that the nonenrollment or  
27 nonattendance was without valid excuse or good reason and

1 intentional, the attendance officer shall be required to bring  
2 criminal prosecution against the parent, guardian, or other  
3 person having control of the child if the attendance officer  
4 also finds that the school has made reasonable efforts to  
5 engage the child in an early warning truancy prevention  
6 program established pursuant to Section 4 of the act adding  
7 this amendatory language in the school or at home in response  
8 to the nonenrollment or nonattendance.

9 "(b) Each child who is enrolled in a public school  
10 shall be subject to the attendance and truancy provisions of  
11 this article except that any parent or parents, guardian or  
12 guardians who voluntarily enrolls their child in public  
13 school, who feel that it is in the best interest of that child  
14 shall have the right to withdraw the child at any time prior  
15 to the current minimum compulsory attendance age.

16 "§16-28-17.

17 "It shall be the duty of the attendance officer, ~~7~~  
18 ~~probation officer~~ or other officer authorized to execute writs  
19 of arrest to take into custody without warrant any child  
20 required to attend school or be instructed by a private tutor  
21 who is found away from home and not in the custody of the  
22 person having charge or control of such child during school  
23 hours and who has been reported by any person authorized to  
24 begin proceedings or prosecutions under the provisions of this  
25 article as a truant. Such child shall forthwith be delivered  
26 to the person having charge or control of said child or to the  
27 principal teacher of the school or the private tutor from whom

1 ~~said~~ the child is a truant. If such child is an habitual  
2 truant, and the school has made reasonable efforts to engage  
3 the child in an early warning truancy prevention program in  
4 the school or at home in response to the child's nonattendance  
5 or nonenrollment, he or she shall be brought before the  
6 juvenile court for ~~such disposition as the judge of said court~~  
7 ~~finds proper from the facts~~ intake.

8 "§16-28-18.

9 "The attendance officer whose appointment is by this  
10 article provided for shall keep an accurate record of all  
11 notices served, all cases prosecuted and all other services  
12 performed and shall make an annual report of the same to the  
13 county board of education or to the city board of education by  
14 whom he or she is employed, and to the Alabama State  
15 Department of Education.

16 "§44-1-1.

17 "The purpose of this chapter is to promote and  
18 safeguard the social well-being and general welfare of the  
19 youth of the state through a comprehensive and coordinated  
20 program of public services for the prevention of juvenile  
21 delinquency and the rehabilitation of delinquent youth. This  
22 state program shall provide the following:

23 "(1) Social and educational services and facilities  
24 for any youth whom a juvenile judge deems in need of such  
25 state services except pursuant to subdivision (13) of Section  
26 44-1-24;

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

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

7           "(4) The promotion and improvement of community  
8 conditions, programs, and resources to aid parents in  
9 discharging their responsibilities for the care, development,  
10 and well-being of their children; and

11           "(5) The promotion of improved communications  
12 between the public and voluntary agencies and bodies of this  
13 state responsible for ~~said~~ youth and the juvenile courts of  
14 this state.

15           "§44-1-24.

16           "The Department of Youth Services shall perform the  
17 following:

18           "(1) Provide services for youths who have run away  
19 from their own communities in this state or from their home  
20 communities in other states to this state, and provide such  
21 services, care, or cost for the youths as may be required  
22 pursuant to the provisions of the Interstate Compact on  
23 Juveniles.

24           "(2) Provide for the expansion of local detention  
25 care for youths alleged to be delinquent pending court  
26 hearing.

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

4           "(4) License and subsidize foster care facilities or  
5 group homes for youths alleged to be delinquent pending  
6 hearing before a juvenile court or adjudged delinquent  
7 following hearing, including detention, examination, study,  
8 care, treatment, and training.

9           "(5) Establish, maintain, and subsidize programs to  
10 train employees of the department, juvenile courts, and law  
11 enforcement personnel in such subject matters and techniques  
12 as may be necessary to assure efficient and effective  
13 administration of services in accordance with the purpose of  
14 this chapter.

15           "(6) Make and enforce all rules and regulations  
16 which are necessary and appropriate to the proper  
17 accomplishment of the duties and functions vested in the  
18 department by law with respect to youth services and which do  
19 not conflict with or exceed the provisions of law vesting the  
20 duties and functions in the department.

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

25           "b. Where contracts are for treatment,  
26 rehabilitative, and prevention services provided through the  
27 Juvenile Justice Reinvestment Fund, the contracts shall adhere

1 to a system of performance-based contracting developed by the  
2 department.

3 "(8) Upon approval of the Attorney General, file and  
4 prosecute civil actions in any court in the name of the  
5 department to enforce this chapter and enforce such rules and  
6 regulations as may be promulgated under this chapter. Civil  
7 actions may include actions for an injunction to restrain any  
8 person, agency, or organization from violating any provision  
9 of this chapter or any rule or regulation promulgated under  
10 this chapter.

11 "(9) Accept gifts, trusts, bequests, grants,  
12 endowments, or transfers of property of any kind and prudently  
13 to manage the property in accordance with sound financial  
14 principles.

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

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

21 "(12) Engage in research in the field of youth  
22 services, enter into contracts with public or voluntary  
23 organizations, including educational institutions, and with  
24 individuals for the purpose of securing research and to make  
25 provisions for any pay grants to such organizations or  
26 individuals in accordance with the rules of the department, as  
27 may be necessary to secure the performance of the research.

1           "(13) If the court commits a youth who, based on  
2 information provided by the court, the department deems is  
3 ineligible for custody to the custody of the department, the  
4 department may file a motion to reconsider with the court. The  
5 Department of Youth Services may not file a motion to  
6 reconsider if the risk and needs assessment calls for a  
7 commitment to the department.

8           "§44-1-36.

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

19           "(b) In the event a committed youth shall be  
20 diagnosed in writing as ~~mentally retarded~~ a person with a an  
21 intellectual disability to the degree that ~~said the~~ youth is  
22 unable to profit from the programs operated by the department  
23 for the benefit of delinquent youth, the department may  
24 petition the proper juvenile court for the commitment of the  
25 ~~said~~ youth to the state hospital ~~for the mentally retarded~~.  
26 The diagnosis must be made by a person who is legally and

1 professionally qualified under the laws of Alabama to make  
2 such a diagnosis.

3 "(c) A committed youth shall be discharged who, in  
4 the judgment of the director, has gained optimal  
5 rehabilitation from the programs of the department and will  
6 not be received again by the department under the original  
7 commitment order.

8 "(d) A committed youth shall be released into  
9 aftercare when the department determines that ~~said~~ the youth  
10 is no longer in need of the services of the state training  
11 schools and can function within open society under the  
12 supervision of a probation officer in accordance with terms  
13 and conditions as established by the committing court. The  
14 department shall notify the committing court in writing at  
15 least 10 days in advance of the release. The committing court,  
16 at the time of release into aftercare, shall then invest  
17 custody in a party which the court deems suitable. An order of  
18 aftercare may be issued pursuant to subsection (k) of Section  
19 12-15-215.

20 "(e) The committing court shall have jurisdiction to  
21 extend an order of commitment during the time of aftercare and  
22 to issue further orders in relation to the investment of legal  
23 custody in some other party until the youth reaches his or her  
24 twenty-first birthday only in accordance with Section  
25 12-15-215 upon proper ~~petitions~~ requests being filed with the  
26 ~~said~~ court by a probation officer alleging all reasons for any  
27 aftercare extension or change of legal custody. A hearing



1 shall be held in ~~said~~ the juvenile court within 10 days after  
2 the filing of the ~~petition~~ request for extension to determine  
3 whether the youth's aftercare should be extended, ~~for no more~~  
4 ~~than six months~~.

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

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

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

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

23 "There must be a hearing at which the youth and his or her  
24 parent, guardian, or counsel are notified to be present. The  
25 committing court shall have jurisdiction until the youth  
26 reaches his or her twenty-first birthday to issue an extension  
27 of its original commitment order only pursuant to subsection

1 (h) of Section 12-15-215. If the department does not act as  
2 prescribed in this subsection, custody awarded by the  
3 commitment order is terminated, and such order as regards such  
4 youth has no further force and effect after the expiration of  
5 two years.

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

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

15 (b) By October 1, 2019, the Administrative Office of  
16 Courts shall develop a statewide detention risk assessment  
17 tool to inform pre-adjudication detention decisions, including  
18 whether a child is eligible for detention, whether a child is  
19 eligible to continue in detention once the child has been  
20 placed in detention, and whether the child is eligible for a  
21 non-custodial alternative to detention in lieu of release  
22 without conditions.

23 (c) By January 1, 2022, the detention risk  
24 assessment tool shall be validated on the youth population of  
25 this state.

26 (d) The Administrative Office of Courts shall  
27 develop a scoring system to inform eligibility for detention

1 and detention alternatives, in conjunction with the criteria  
2 provided in Section 12-15-128, Code of Alabama 1975.

3 Section 3. (a) The Alabama State Department of  
4 Education shall require each local board of education to  
5 annually develop, approve, and submit a multi-disciplinary  
6 agreement to the department in collaboration with relevant  
7 stakeholders, including law enforcement agencies, the district  
8 attorney, juvenile defense attorneys, chief probation  
9 officers, local mental health authorities, families, and the  
10 courts to improve responses to school-based offenses and  
11 reduce school-based referrals to law enforcement and the  
12 courts while effectively holding youth accountable within the  
13 school setting.

14 (b) Each agreement shall establish the following:

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

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

22 (c) To guide the development of local agreements,  
23 the department shall develop minimum standards and best  
24 practices for creating and implementing multi-tiered responses  
25 to school-based offenses in the school setting. The department  
26 shall ensure that its standards, and all local agreements, are

1 based upon evidence-based research, are data-driven, and  
2 provide for continuous improvement.

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

8 Section 4. (a) The Alabama State Department of  
9 Education shall require the Superintendent of Education, or  
10 his or her designee, in each local school district to develop,  
11 approve, and submit an annual plan to the department outlining  
12 early warning truancy prevention programming for children and  
13 their families in the home or school setting in response to  
14 nonattendance or nonenrollment.

15 (b) To guide the development of local early warning  
16 truancy prevention programming, the department shall develop  
17 standards and best practices that are based upon  
18 evidence-based research, are data-driven, and show continuous  
19 improvement.

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

24 (1) A violation against a parent, guardian, or other  
25 person having control or custody of a child under Section  
26 16-28-12, Code of Alabama 1975.

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

3           (d) After a complaint is received in the juvenile  
4 court intake office, a juvenile court judge may participate in  
5 an early warning truancy program for educational purposes with  
6 the child if it is in a group setting and is not related to  
7 any specific complaint.

8           Section 5. (a) There is created the Juvenile Justice  
9 Reinvestment Fund to the credit of the Department of Youth  
10 Services within the State Treasury. Amounts deposited into the  
11 fund shall be budgeted and allotted in accordance with  
12 Sections 41-4-80 through 41-4-96 and Sections 41-19-1 through  
13 41-19-12, Code of Alabama 1975.

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

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

19           b. Reserve the averted costs in the fund for  
20 reinvestment.

21           c. Disburse grants pursuant to the requirements in  
22 subsection (d).

23           d. Execute contracts pursuant to the requirements in  
24 subsection (d).

25           e. Evaluate programs.

26           (2) Any monies in the fund that are unspent at the  
27 end of a fiscal year shall be carried over for use by the

1 department for the purposes provided in this section for the  
2 next fiscal year.

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

6 (4)a. For the purposes of this section, "averted  
7 costs" means any costs avoided by a reduction in the number of  
8 youth placed in Department of Youth Services residential  
9 programs, as compared to a Fiscal Year 2018 baseline,  
10 calculated by comparing the actual costs of youth in custody  
11 and placed in residential programs during each fiscal year  
12 with the costs of youth in custody and placed in residential  
13 programs during Fiscal Year 2018.

14 b. For the purposes of this section, "allocation of  
15 local funds" means the process by which funds are disbursed  
16 pursuant to subsection (f) to the county or counties for use  
17 in rehabilitation, treatment, or prevention of delinquency.

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

21 (d)(1) The department shall disburse the funds to be  
22 used for rehabilitative, treatment, or prevention programs.  
23 Disbursement of funds by the department shall adhere to the  
24 following criteria to ensure that access to evidence-based  
25 nonresidential services are available to every county in the  
26 state:

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

5           b. State contracts for evidence-based,  
6 nonresidential programs for youth who might otherwise be  
7 committed to the custody of the Department of Youth Services  
8 shall be prioritized for rural and low-population counties  
9 that currently have limited or no access to such programs and  
10 that have limited means to support the submission of grant  
11 proposals.

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

15                 1. Demonstrate a high rate of department commitments  
16 per capita.

17                 2. Have access to few existing nonresidential  
18 services.

19           d. The department may provide incentives for those  
20 counties that decrease the number of juveniles in custody of  
21 the department, in consultation with the Juvenile Justice Fund  
22 Oversight Committee.

23                 (2) The Juvenile Justice Fund Oversight Committee  
24 may recommend that the department consider additional criteria  
25 to effectuate the priorities and other objectives of this  
26 section.

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

3 (1) Services that are appropriately matched to a  
4 youth's risk and needs, as determined by the results of a  
5 validated risk and needs assessment pursuant to Section 9, and  
6 that focus on serving youth and their families in their own  
7 homes with the appropriate level of intensity, including, but  
8 not limited to, all of the following:

- 9 a. In-home family-focused therapy.
- 10 b. Individual and group therapy.
- 11 c. Mentoring programs.
- 12 d. Substance abuse treatment.
- 13 e. Outpatient juvenile sex offense treatment.

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

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

- 19 a. Take place prior to a court referral in schools,  
20 in the home, or both.
- 21 b. Engage families.
- 22 c. Focus on youth who pose the greatest risk of  
23 truancy.
- 24 d. Ensure that responses to behaviors by youth with  
25 documented disabilities are handled in accordance with any  
26 plans established for response to their disabilities in



1 educational settings such as individualized education programs  
2 or 504 plans; and

3 e. Are shown to reduce referrals to the juvenile  
4 court.

5 (4) For reimbursement of a portion of transportation  
6 costs incurred by sheriffs.

7 (5) For training pursuant to Section 7.

8 (f) The department shall disburse funds through the  
9 following:

10 (1) Contracts for services.

11 (2) Grants to counties or groups of counties, to  
12 allow for program expansion across the state, especially in  
13 rural counties.

14 (g) (1) The Department of Youth Services shall ensure  
15 that programs funded from the Juvenile Justice Reinvestment  
16 Fund adhere to performance-based standards which incentivize  
17 reductions in reoffending and reductions in subsequent  
18 commitments to the department.

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

21 a. Contract provisions.

22 b. Grant provisions.

23 c. Shared funding provisions.

24 (h) (1) Programs receiving funding from the fund  
25 shall adhere to evidence-based models or other interventions  
26 rated by a standardized tool as effective for reducing  
27 reoffending.

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

6           Section 6. Alternatives to detention; definition,  
7 funding.

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

13           (b) A program of fiscal incentives shall be  
14 developed and administered by the Department of Youth Services  
15 to encourage the use of non-custodial alternatives to  
16 detention, with a higher reimbursement rate to be paid for  
17 alternatives to detention than for detention pursuant to  
18 Section 44-1-28, Code of Alabama 1975.

19           (c) Funds from the Juvenile Justice Reinvestment  
20 Fund created in Section 5 shall be reinvested into  
21 non-custodial alternatives to detention.

22           (d) Home detention shall be available in every  
23 county.

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

26           Section 7. Juvenile Justice Fund Oversight  
27 Committee; purpose, responsibilities.

1           (a) The Juvenile Justice Fund Oversight Committee is  
2 created to oversee implementation of changes to the juvenile  
3 justice system and coordinate communication and information  
4 sharing across the juvenile justice system, including the  
5 following:

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

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

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

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

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

15           (6) Three current juvenile court judges, with at  
16 least one representing a rural county, one representing a  
17 mid-sized county, and one representing an urban county,  
18 appointed by the president of the Alabama Council of Juvenile  
19 and Family Court Judges.

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

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

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

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

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

3           (12) One law enforcement official representing a  
4 county with a local juvenile detention facility, appointed by  
5 the Governor.

6           (13) The State Superintendent of Education, or his  
7 or her designee.

8           (14) One district attorney appointed by the District  
9 Attorneys Association.

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

12          (b) The appointing authorities shall coordinate  
13 their appointments to assure the committee membership is  
14 inclusive and reflects the racial, gender, geographic, urban,  
15 rural, and economic diversity of the state.

16          (c) The oversight committee shall select a member to  
17 serve as its chair at its first meeting, and annually  
18 thereafter.

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

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

24           (2) To review the appropriateness of expenditures,  
25 programs, and services and assess the progress of  
26 implementation.

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

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

8           (5) Oversee the creation of a collaborative funding  
9 structure similar to existing collaborative funding structures  
10 between the Department of Youth Services, the Department of  
11 Human Resources, the Alabama State Department of Education,  
12 and the Department of Mental Health for providing pre-court  
13 early interventions for youth at imminent risk of juvenile  
14 justice system involvement.

15           (e) The Administrative Office of Courts shall  
16 partner with the Sentencing Commission, the Department of  
17 Youth Services, and any other agency necessary, to collect,  
18 analyze, and report on juvenile data to assist the oversight  
19 committee. Such information shall include, but not be limited  
20 to, tracking a juvenile's trajectory through the juvenile or  
21 adult justice system, case history across counties, recidivism  
22 rates, efficacy of specific county programs, outcomes after a  
23 child leaves the juvenile justice system, and any disparate  
24 impact of Alabama's juvenile justice system related to gender,  
25 race, and ethnicity. Data collected under this subsection  
26 shall be included in the annual report mandated in subdivision

1 (d) (4). Provided, however, that identifying personal  
2 information may be redacted from the report.

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

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

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

15 (2) Be individualized to the child.

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

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

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

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

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

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

13 (1) Positive behaviors and incentives offered.

14 (2) Violations and corresponding sanctions.

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

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

22 (f) The Administrative Office of Courts shall  
23 conduct training for chief probation officers and juvenile  
24 probation officers on evidence-based best practices for  
25 graduated responses, including, but not limited to,  
26 instruction on all of the following:

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

3 (2) Proper selection and use of sanctions for  
4 noncompliance.

5 (3) Integrating results from graduated responses  
6 into case plans.

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

12 (b) By October 1, 2019, the Administrative Office of  
13 Courts and the Department of Youth Services shall together  
14 develop and adopt a risk and needs assessment to inform  
15 supervision and necessary treatment for any child petitioned  
16 before the juvenile court on a delinquency or child in need of  
17 supervision offense.

18 (c) By January 1, 2022, the risk and needs  
19 assessment shall be validated on the youth population to  
20 ensure accuracy in assessing a child's risk to reoffend and  
21 individual needs that, if met, are likely to reduce the  
22 child's likelihood of reoffending.

23 (d) The risk and needs assessment shall be used as  
24 follows:

25 (1) Beginning July 1, 2020, a juvenile probation  
26 officer shall administer a risk and needs assessment to every



1 child petitioned before the court on a delinquency or child in  
2 need of supervision offense.

3 (2) Beginning January 1, 2022, a juvenile judge  
4 shall review the risk and needs assessment prior to  
5 disposition and use it to inform disposition including any  
6 necessary treatment services for the child.

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

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

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

23 (1) The juvenile judge, following adjudication, to  
24 inform disposition.

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

1           (3) The Department of Youth Services and its  
2 contracted providers.

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

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

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

8           (7) The district attorney following adjudication for  
9 recommendation of disposition.

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

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

21          (g) The risk and needs assessment and all materials  
22 used to compile the information in the assessment in  
23 possession of the juvenile court shall be destroyed when the  
24 person about whom the risk and needs assessment was conducted  
25 is no longer a child.

1           Section 10. Section 15-20A-5, Code of Alabama 1975,  
2 as last amended by Act 2018-528, 2018 Regular Session, is  
3 amended to read as follows:

4           "§15-20A-5.

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

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

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

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

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

23           "(5) Sexual misconduct, as provided by Section  
24 13A-6-65, provided that on a first conviction or adjudication  
25 the sex offender is only subject to registration and  
26 verification pursuant to this chapter. On a second or  
27 subsequent conviction or adjudication of a sex offense, if the

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

9 "(6) Sexual torture, as provided by Section  
10 13A-6-65.1.

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

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

19 "(9) Indecent exposure, as provided by Section  
20 13A-6-68, provided that on a first conviction or adjudication  
21 of a sex offense, the sex offender is only subject to  
22 registration and verification pursuant to this chapter. On a  
23 second or subsequent conviction or adjudication of a sex  
24 offense, if the second or subsequent conviction or  
25 adjudication does not arise out of the same set of facts and  
26 circumstances as the first conviction or adjudication, the sex  
27 offender shall comply with all requirements of this chapter.

1 The sentencing court may exempt from this chapter a juvenile  
2 sex offender adjudicated delinquent of indecent exposure after  
3 the juvenile has been counseled on the dangers of the conduct  
4 for which he or she was adjudicated delinquent.

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

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

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

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

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

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

26 "(16) Unlawful imprisonment in the second degree, as  
27 provided by Section 13A-6-42, if the victim of the offense is

1 a minor, and the record of adjudication or conviction reflects  
2 the intent of the unlawful imprisonment was to abuse the minor  
3 sexually.

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

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

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

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

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

18 "(22) Foster parent engaging in a sex act, having  
19 sexual contact, or soliciting a sex act or sexual contact with  
20 a foster child as provided by Section 13A-6-71.

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

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

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

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

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

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

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

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

13           "(31) Sexual extortion, as provided by Section  
14 13A-6-241.

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

17           "(33) Any offense which is the same as or equivalent  
18 to any offense set forth above as the same existed and was  
19 defined under the laws of this state existing at the time of  
20 such conviction, specifically including, but not limited to,  
21 crime against nature, as provided by Section 13-1-110; rape,  
22 as provided by Sections 13-1-130 and 13-1-131; carnal  
23 knowledge of a woman or girl, as provided by Sections 13-1-132  
24 through 13-1-135, or attempting to do so, as provided by  
25 Section 13-1-136; indecent molestation of children, as defined  
26 and provided by Section 13-1-113; indecent exposure, as  
27 provided by Section 13-1-111; incest, as provided by Section

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

11 "(34) Any solicitation, attempt, or conspiracy to  
12 commit any of the offenses listed in subdivisions (1) to (33),  
13 inclusive.

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

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

24 "(37) Any crime committed in another state, the  
25 District of Columbia, any United States territory, or a  
26 federal, military, Indian, or foreign country jurisdiction if



1 that jurisdiction also requires that anyone convicted of that  
2 crime register as a sex offender in that jurisdiction.

3 "(38) Any offender determined in any jurisdiction to  
4 be a sex offender shall be considered a sex offender in this  
5 state.

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

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

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

23 Section 11. Provisions of this act requiring the  
24 consideration of a validated risk and needs assessment,  
25 including in Sections 12-15-215 and 12-15-221, Code of Alabama  
26 1975, and Section 9, shall become operative upon certification  
27 of the Director of Finance that specific funding to implement

1 the provisions of this act has been appropriated to the  
2 Unified Judicial System.

3 Section 12. Section 10 of this act, relating to  
4 delinquent sex offenses, shall become effective immediately;  
5 Section 5 of this act creating the Juvenile Justice  
6 Reinvestment Fund, the amendatory language in Section 1 of  
7 this act to Section 44-1-24, Code of Alabama 1975, subsection  
8 (b) of Section 2 of this act requiring development of a  
9 statewide detention risk assessment tool, and subsection (b)  
10 of Section 9 of this act requiring development of a risk and  
11 needs assessment shall become effective October 1, 2019;  
12 subsection (c) of Section 2 of this act requiring validation  
13 of a statewide detention risk assessment tool and subsection  
14 (c) of Section 9 of this act requiring validation of a risk  
15 and needs assessment, shall become effective January 1, 2022;  
16 the remainder of this act shall become effective on July 1,  
17 2020.