HB379

197459-6

By Representative Hurst

RFD: Judiciary

First Read: 09-APR-19
ENROLLED, An Act,

Relating to sex offenses; to provide chemical
castration treatment conditions for the parole of persons
convicted of a sex offense under certain conditions; to
require the Department of Public Health to administer the
treatment; and to require the cost of the treatment to be paid
for by the offender, with exception.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) As used in this act, the following
terms shall have the following meanings:

(1) CHEMICAL CASTRATION TREATMENT. The receiving of
medication, including, but not limited to, medroxyprogesterone
acetate treatment or its chemical equivalent, that, among
other things, reduces, inhibits, or blocks the production of
testosterone, hormones, or other chemicals in a person's body.

(2) SEX OFFENSE INVOLVING A PERSON UNDER THE AGE OF
13 YEARS. A sex offense, as described in Section 15-20A-5,
Code of Alabama 1975, that is committed against a person who
has not attained the age of 13 years.

(b) Subject to Section 15-22-27.3, Code of Alabama
1975, as a condition of parole, a court shall order a person
convicted of a sex offense involving a person under the age of
13 years to undergo chemical castration treatment, in addition
to any other punishment prescribed for that offense or any other provision of law.

(c) A person required to undergo chemical castration treatment shall begin the treatment not less than one month prior to his or her release from custody of the Department of Corrections and shall continue receiving treatment until the court determines the treatment is no longer necessary. The treatment shall be administered by the Department of Public Health.

(d)(1) The parolee shall pay for all of the costs associated with the chemical castration treatment. The cost of the treatment shall be in addition to any court costs; assessments for crime victim's compensation fund; Department of Forensic Sciences assessments; drug, alcohol, or anger management treatments required by law; restitution; or costs of supervision of the treatment. A person may not be denied parole based solely on his or her inability to pay for the costs associated with the treatment required under this act.

(2) If a person required to receive chemical castration treatment under this act, upon application, claims indigency, he or she shall be brought before a court of competent jurisdiction for a determination of indigency. In the event that a court determines the offender to be indigent, any fees or costs shall not be waived or remitted unless the person proves to the reasonable satisfaction of the court that
the person is not capable of paying the fees or costs within
the reasonably foreseeable future. In the event the offender
is determined to be indigent, a periodic review of the
offender's indigent status may be conducted by the court upon
motion of the district attorney to determine if the offender
is no longer indigent.

(e) In addition to any condition of parole under
subsection (b), as a condition of parole, a parolee released
on parole under this act shall authorize the Department of
Public Health to share with the Board of Pardons and Paroles
all medical records relating to the parolee's chemical
castration treatment. A parolee may elect to stop receiving
the treatment at any time and may not be forced to receive the
treatment; provided, such refusal shall constitute a violation
of his or her parole and he or she shall be immediately
remanded to the custody of the Department of Corrections for
the remainder of the sentence from which he or she was
paroled.

(f) Prior to the administration of any chemical
castration treatment, a medical professional the court shall
inform the parolee about the effect of the treatment and any
side effects that may result from it. The parolee shall sign a
written acknowledgment of receipt of the information.

(g) Only a bona fide employee of the Alabama
Department of Public Health may administer the treatment.
(h) A parolee who intentionally stops receiving the treatment required under this Act shall be guilty of a Class C felony.

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

President and Presiding Officer of the Senate

House of Representatives
I hereby certify that the within Act originated in and was passed by the House 21-MAY-19, as amended.

Jeff Woodard
Clerk

Senate 30-MAY-19 Passed