

1                   A bill to be entitled  
 2           An act relating to youthful offenders; amending s.  
 3           958.045, F.S.; providing for notice to state attorneys  
 4           prior to placement of juvenile offenders in boot camp  
 5           programs; revising sentencing provisions for juvenile  
 6           offenders who violate the terms of their probation;  
 7           providing an effective date.

8  
 9   Be It Enacted by the Legislature of the State of Florida:

10  
 11           Section 1. Subsection (2) and paragraph (c) of subsection  
 12           (5) of section 958.045, Florida Statutes, are amended to read:

13           958.045 Youthful offender basic training and boot camp  
 14           programs ~~program~~.--

15           (2)(a) Upon receipt of a youthful offender ~~offenders~~, the  
 16           department shall screen the offender ~~offenders~~ for the basic  
 17           training program or a boot camp program pursuant to s. 985.309,  
 18           when available. To participate, an offender must have no  
 19           physical limitations that preclude participation in strenuous  
 20           activity, must not be impaired, and must not have been  
 21           previously incarcerated in a state or federal correctional  
 22           facility. In screening an offender ~~offenders~~ for the programs  
 23           ~~basic training program~~, the department shall consider the  
 24           offender's criminal history and the possible rehabilitative  
 25           benefits of "shock" incarceration. For placement in a boot camp  
 26           program, an offender must meet the criteria in s. 985.309.

27           (b) If an offender meets the specified criteria and space  
 28           is available, the department shall request, in writing from the

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

29 sentencing court, approval for the offender to participate in a  
 30 ~~the basic training or boot camp~~ program. ~~When~~ If the person is  
 31 ~~classified by the department as a youthful offender and the~~  
 32 department requests ~~is requesting~~ approval from the sentencing  
 33 court for placement of an offender in a basic training or boot  
 34 camp ~~the~~ program, the department shall, at the same time, notify  
 35 the state attorney that the offender is being considered for  
 36 placement in the requested ~~basic training~~ program. The notice  
 37 must explain that the purpose of such placement is diversion  
 38 from lengthy incarceration when a short "shock" incarceration  
 39 could produce the same deterrent effect, and that the state  
 40 attorney may, within 14 days after the mailing of the notice,  
 41 notify the sentencing court in writing of objections, if any, to  
 42 the placement of the offender in the requested ~~basic training~~  
 43 program.

44 (c) The sentencing court shall notify the department in  
 45 writing of placement approval no later than 21 days after  
 46 receipt of the department's request for placement of the  
 47 youthful offender in the requested ~~basic training~~ program.  
 48 Failure to notify the department within 21 days shall be  
 49 considered ~~an~~ approval by the sentencing court for placing the  
 50 youthful offender in the requested ~~basic training~~ program. Each  
 51 state attorney may develop procedures for notifying the victim  
 52 that the offender is being considered for placement in the basic  
 53 training or boot camp program.

54 (5)

55 (c) The portion of the sentence served prior to placement  
 56 in the basic training program may not be counted toward program

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57 completion. Upon the offender's completion of the basic training  
58 program, the department shall submit a report to the court that  
59 describes the offender's performance. If the offender's  
60 performance has been satisfactory, the court shall issue an  
61 order modifying the sentence imposed and placing the offender on  
62 probation. The term of probation may include placement in a  
63 community residential program. If the offender violates the  
64 conditions of probation, the court may revoke probation and  
65 impose any sentence that it might have originally imposed ~~as a~~  
66 ~~condition of probation.~~

67 Section 2. This act shall take effect July 1, 2005.