

By Senator Geller

31-118A-05

1 A bill to be entitled
2 An act relating to parole for juveniles;
3 amending s. 985.225, F.S.; providing that a
4 child younger than a specified age who is
5 sentenced to life or more than 10 years in
6 prison is eligible for parole if the child has
7 been incarcerated for a minimum period and has
8 not previously been adjudicated for certain
9 offenses; requiring that the child be
10 incarcerated in a youthful-offender facility;
11 providing for review of a child's eligibility
12 for parole by the Parole Commission; requiring
13 the commission to conduct an initial interview
14 with the child within a minimum time; providing
15 that, if the child is not granted parole by the
16 time the child reaches a specified age, or
17 after the child receives a second
18 parole-eligibility review before that age, the
19 child must be transferred from the
20 youthful-offender facility to an appropriate
21 adult facility; providing an effective date.

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23 Be It Enacted by the Legislature of the State of Florida:

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25 Section 1. Present subsection (4) of section 985.225,
26 Florida Statutes, is redesignated as subsection (5), and a new
27 subsection (4) is added to that section, to read:

28 985.225 Indictment of a juvenile.--
29 (4)(a) If the child is 15 years of age or younger and
30 is sentenced to life imprisonment or to a minimum term of
31 imprisonment in excess of 10 years, the child is eligible for

1 parole when he or she has served 8 years of that sentence if
2 he or she has not previously been adjudicated for a violation
3 of:

4 1. Any offense specified in s. 775.084(1)(b)1.;

5 2. Section 784.03, relating to battery;

6 3. Section 827.03, relating to child abuse; or

7 4. Section 828.12, relating to cruelty to animals.

8 (b) Except as otherwise provided in s. 958.11(3), the
9 child shall be incarcerated in a facility for youthful
10 offenders.

11 (c) The Parole Commission shall review the child's
12 eligibility for release under ss. 947.16-947.26, except that
13 the commission shall conduct the initial interview with the
14 child within 2 months after the initial date of confinement in
15 execution of the judgment. The age and maturity of the child
16 at the time of the offense and the wishes of the victim or the
17 victim's next of kin must be considered in establishing the
18 presumptive parole release date. If the child has not been
19 granted parole by the time the child reaches 25 years of age,
20 or is not granted parole after a second eligibility review
21 conducted by the commission before the child reaches 25 years
22 of age, the child shall be transferred from the facility for
23 youthful offenders to an appropriate facility for adults.

24 Section 2. This act shall take effect July 1, 2005.
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SENATE SUMMARY

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3 Provides that a child, 15 years of age or younger, who is
4 sentenced to life or more than 10 years in prison is
5 eligible for parole if he or she has been incarcerated
6 for a minimum period and has no previous violation of
7 certain offenses. Requires that the child be incarcerated
8 in a youthful-offender facility. Provides for review of a
9 child's eligibility for parole release by the Parole
10 Commission. Requires the commission to conduct an
11 interview with the child within 2 months after the
12 initial date of confinement. Provides that, if the child
13 is not granted parole by the time the child reaches the
14 age of 25, or after the child receives a second parole
15 eligibility review before that age, he or she must be
16 transferred from the youthful-offender facility to an
17 appropriate adult facility.
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