

By Senator Campbell

32-740-05

See HB

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A bill to be entitled

An act relating to youthful offenders; amending s. 958.045, F.S.; providing for notice to state attorneys prior to placement of juvenile offenders in boot camp programs; revising sentencing provisions for juvenile offenders who violate the terms of their probation; providing an effective date.

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

Section 1. Section 958.045, Florida Statutes, is amended to read:

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

(1) The department shall develop and implement a basic training program for youthful offenders sentenced or classified by the department as youthful offenders pursuant to this chapter. The period of time to be served at the basic training program shall be no less than 120 days.

(a) The program shall include marching drills, calisthenics, a rigid dress code, manual labor assignments, physical training with obstacle courses, training in decisionmaking and personal development, general education development and adult basic education courses, and drug counseling and other rehabilitation programs.

(b) The department shall adopt rules governing the administration of the youthful offender basic training program, requiring that basic training participants complete a structured disciplinary program, and allowing for a restriction on general inmate population privileges.

1           (2)(a) Upon receipt of a youthful offender ~~offenders~~,  
2 the department shall screen the offender ~~offenders~~ for the  
3 basic training program or a boot camp program pursuant to s.  
4 985.309, when available. To participate, an offender must have  
5 no physical limitations that preclude participation in  
6 strenuous activity, must not be impaired, and must not have  
7 been previously incarcerated in a state or federal  
8 correctional facility. In screening an offender ~~offenders~~ for  
9 the programs ~~basic training program~~, the department shall  
10 consider the offender's criminal history and the possible  
11 rehabilitative benefits of "shock" incarceration. For  
12 placement in a boot camp program, an offender must meet the  
13 criteria in s. 985.309.

14           (b) If an offender meets the specified criteria and  
15 space is available, the department shall request, in writing  
16 from the sentencing court, approval for the offender to  
17 participate in a ~~the~~ basic training or boot camp program. When  
18 ~~If the person is classified by the department as a youthful~~  
19 ~~offender and the department requests is requesting~~ approval  
20 from the sentencing court for placement of an offender in a  
21 basic training or boot camp ~~the~~ program, the department shall,  
22 at the same time, notify the state attorney that the offender  
23 is being considered for placement in the requested ~~basic~~  
24 ~~training~~ program. The notice must explain that the purpose of  
25 such placement is diversion from lengthy incarceration when a  
26 short "shock" incarceration could produce the same deterrent  
27 effect, and that the state attorney may, within 14 days after  
28 the mailing of the notice, notify the sentencing court in  
29 writing of objections, if any, to the placement of the  
30 offender in the requested ~~basic training~~ program.

1           (c) The sentencing court shall notify the department  
2 in writing of placement approval no later than 21 days after  
3 receipt of the department's request for placement of the  
4 youthful offender in the requested ~~basic training~~ program.  
5 Failure to notify the department within 21 days shall be  
6 considered ~~an~~ approval by the sentencing court for placing the  
7 youthful offender in the requested ~~basic training~~ program.  
8 Each state attorney may develop procedures for notifying the  
9 victim that the offender is being considered for placement in  
10 the basic training or boot camp program.

11           (3) The program shall provide a short incarceration  
12 period of rigorous training to offenders who require a greater  
13 degree of supervision than community control or probation  
14 provides. Basic training programs may be operated in secure  
15 areas in or adjacent to an adult institution notwithstanding  
16 s. 958.11. The program is not intended to divert offenders  
17 away from probation or community control but to divert them  
18 from long periods of incarceration when a short "shock"  
19 incarceration could produce the same deterrent effect.

20           (4) Upon admittance to the department, an educational  
21 and substance abuse assessment shall be performed on each  
22 youthful offender. Upon admittance to the basic training  
23 program, each offender shall have a full substance abuse  
24 assessment to determine the offender's need for substance  
25 abuse treatment. The educational assessment shall be  
26 accomplished through the aid of the Test of Adult Basic  
27 Education or any other testing instrument approved by the  
28 Department of Education, as appropriate. Each offender who has  
29 not obtained a high school diploma shall be enrolled in an  
30 adult education program designed to aid the offender in  
31 improving his or her academic skills and earning a high school

1 diploma. Further assessments of the prior vocational skills  
2 and future career education shall be provided to the offender.  
3 A periodic evaluation shall be made to assess the progress of  
4 each offender, and upon completion of the basic training  
5 program the assessment and information from the department's  
6 record of each offender shall be transferred to the  
7 appropriate community residential program.

8 (5)(a) If an offender in the basic training program  
9 becomes unmanageable, the department may revoke the offender's  
10 gain-time and place the offender in disciplinary confinement  
11 for up to 30 days. Upon completion of the disciplinary  
12 process, the offender shall be readmitted to the basic  
13 training program, except for an offender who has committed or  
14 threatened to commit a violent act. If the offender is  
15 terminated from the program, the department may place the  
16 offender in the general population to complete the remainder  
17 of the offender's sentence. Any period of time in which the  
18 offender is unable to participate in the basic training  
19 activities may be excluded from the specified time  
20 requirements in the program.

21 (b) If the offender is unable to participate in the  
22 basic training activities due to medical reasons, certified  
23 medical personnel shall examine the offender and shall consult  
24 with the basic training program director concerning the  
25 offender's termination from the program.

26 (c) The portion of the sentence served prior to  
27 placement in the basic training program may not be counted  
28 toward program completion. Upon the offender's completion of  
29 the basic training program, the department shall submit a  
30 report to the court that describes the offender's performance.  
31 If the offender's performance has been satisfactory, the court

1 shall issue an order modifying the sentence imposed and  
2 placing the offender on probation. The term of probation may  
3 include placement in a community residential program. If the  
4 offender violates the conditions of probation, the court may  
5 revoke probation and impose any sentence that it might have  
6 originally imposed ~~as a condition of probation.~~

7 (6)(a) Upon completing the basic training program, an  
8 offender shall be transferred to a community residential  
9 program and reside there for a term designated by department  
10 rule. If the basic training program director determines that  
11 the offender is not suitable for the community residential  
12 program but is suitable for an alternative postrelease program  
13 or release plan, within 30 days prior to program completion  
14 the department shall evaluate the offender's needs and  
15 determine an alternative postrelease program or plan. The  
16 department's consideration shall include, but not be limited  
17 to, the offender's employment, residence, family situation,  
18 and probation or postrelease supervision obligations. Upon the  
19 approval of the department, the offender shall be released to  
20 an alternative postrelease program or plan.

21 (b) While in the community residential program, as  
22 appropriate, the offender shall engage in gainful employment,  
23 and if any, shall pay restitution to the victim. If  
24 appropriate, the offender may enroll in substance abuse  
25 counseling, and if suitable, shall enroll in a general  
26 education development or adult basic education class for the  
27 purpose of attaining a high school diploma. Upon release from  
28 the community residential program, the offender shall remain  
29 on probation, or other postrelease supervision, and abide by  
30 the conditions of the offender's probation or postrelease  
31 supervision. If, upon transfer from the community residential

1 program, the offender has not completed the enrolled  
2 educational program, the offender shall continue the  
3 educational program until completed. If the offender fails to  
4 complete the program, the department may request the court or  
5 the control release authority to execute an order returning  
6 the offender back to the community residential program until  
7 completion of the program.

8 (7) The department shall implement the basic training  
9 program to the fullest extent feasible within the provisions  
10 of this section.

11 (8)(a) The Assistant Secretary for Youthful Offenders  
12 shall continuously screen all institutions, facilities, and  
13 programs for any inmate who meets the eligibility requirements  
14 for youthful offender designation specified in s. 958.04,  
15 whose age does not exceed 24 years. The department may  
16 classify and assign as a youthful offender any inmate who  
17 meets the criteria of s. 958.04.

18 (b) A youthful offender who is designated as such by  
19 the department and assigned to the basic training program must  
20 be eligible for control release pursuant to s. 947.146.

21 (c) The department shall work cooperatively with the  
22 Control Release Authority or the Parole Commission to effect  
23 the release of an offender who has successfully completed the  
24 requirements of the basic training program.

25 (d) Upon an offender's completion of the basic  
26 training program, the department shall submit a report to the  
27 releasing authority that describes the offender's performance.  
28 If the performance has been satisfactory, the release  
29 authority shall establish a release date that is within 30  
30 days following program completion. As a condition of release,  
31 the offender shall be placed in a community residential

1 program as provided in this section or on community  
2 supervision as provided in chapter 947, and shall be subject  
3 to the conditions established therefor.

4 (9) Upon commencement of the community residential  
5 program, the department shall submit annual reports to the  
6 Governor, the President of the Senate, and the Speaker of the  
7 House of Representatives detailing the extent of  
8 implementation of the basic training program and the community  
9 residential program, and outlining future goals and any  
10 recommendation the department has for future legislative  
11 action.

12 (10) Due to serious and violent crime, the Legislature  
13 declares the construction of a basic training facility is  
14 necessary to aid in alleviating an emergency situation.

15 (11) The department shall provide a special training  
16 program for staff selected for the basic training program.

17 (12) The department may develop performance-based  
18 contracts with qualified individuals, agencies, or  
19 corporations for the provision of any or all of the youthful  
20 offender programs.

21 (13) An offender in the basic training program is  
22 subject to rules of conduct established by the department and  
23 may have sanctions imposed, including loss of privileges,  
24 restrictions, disciplinary confinement, alteration of release  
25 plans, or other program modifications in keeping with the  
26 nature and gravity of the program violation. Administrative or  
27 protective confinement, as necessary, may be imposed.

28 (14) The department may establish a system of  
29 incentives within the basic training program which the  
30 department may use to promote participation in rehabilitative  
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1 | programs and the orderly operation of institutions and  
2 | facilities.

3 |           (15) The department shall develop a system for  
4 | tracking recidivism, including, but not limited to, rearrests  
5 | and recommitment of youthful offenders, and shall report on  
6 | that system in its annual reports of the programs.

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