

By the Committee on Criminal Justice; and Senator Campbell

591-1764A-05

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A bill to be entitled

An act relating to youthful offenders; amending ss. 958.045 and 958.11, F.S.; revising sentencing provisions for juvenile offenders who violate the terms of their probation; revising references to obsolete offices within the Department of Corrections relating to youthful offenders; providing an effective date.

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

Section 1. Subsection (2), paragraph (c) of subsection (5), and paragraph (a) of subsection (8) of section 958.045, Florida Statutes, are amended to read:

958.045 Youthful offender basic training program.--

(2)(a) Upon receipt of a youthful offender ~~offenders~~, the department shall screen the offender ~~offenders~~ for the basic training program. To participate, an offender must have no physical limitations that preclude participation in strenuous activity, must not be impaired, and must not have been previously incarcerated in a state or federal correctional facility. In screening an offender ~~offenders~~ for the basic training program, the department shall consider the offender's criminal history and the possible rehabilitative benefits of "shock" incarceration.

(b) If an offender meets the specified criteria and space is available, the department shall request, in writing from the sentencing court, approval for the offender to participate in the basic training program. When ~~If the person is classified by the department as a youthful offender and the~~

1 department requests ~~is requesting~~ approval from the sentencing
2 court for placement of an offender in a basic training ~~the~~
3 program, the department shall, at the same time, notify the
4 state attorney that the offender is being considered for
5 placement in the basic training program. The notice must
6 explain that the purpose of such placement is diversion from
7 lengthy incarceration when a short "shock" incarceration could
8 produce the same deterrent effect, and that the state attorney
9 may, within 14 days after the mailing of the notice, notify
10 the sentencing court in writing of objections, if any, to the
11 placement of the offender in the basic training program.

12 (c) The sentencing court shall notify the department
13 in writing of placement approval no later than 21 days after
14 receipt of the department's request for placement of the
15 youthful offender in the basic training program. Failure to
16 notify the department within 21 days shall be considered ~~an~~
17 approval by the sentencing court for placing the youthful
18 offender in the basic training program. Each state attorney
19 may develop procedures for notifying the victim that the
20 offender is being considered for placement in the basic
21 training program.

22 (5)

23 (c) The portion of the sentence served prior to
24 placement in the basic training program may not be counted
25 toward program completion. Upon the offender's completion of
26 the basic training program, the department shall submit a
27 report to the court that describes the offender's performance.
28 If the offender's performance has been satisfactory, the court
29 shall issue an order modifying the sentence imposed and
30 placing the offender on probation. The term of probation may
31 include placement in a community residential program. If the

1 offender violates the conditions of probation, the court may
2 revoke probation and impose any sentence that it might have
3 originally imposed ~~as a condition of probation.~~

4 (8)(a) The department ~~Assistant Secretary for Youthful~~
5 ~~Offenders~~ shall continuously screen all institutions,
6 facilities, and programs for any inmate who meets the
7 eligibility requirements for youthful offender designation
8 specified in s. 958.04, whose age does not exceed 24 years.
9 The department may classify and assign as a youthful offender
10 any inmate who meets the criteria of s. 958.04.

11 Section 2. Subsections (4), (5), and (6) of section
12 958.11, Florida Statutes, are amended to read:

13 958.11 Designation of institutions and programs for
14 youthful offenders; assignment from youthful offender
15 institutions and programs.--

16 (4) The department ~~Office of the Assistant Secretary~~
17 ~~for Youthful Offenders~~ shall continuously screen all
18 institutions, facilities, and programs for any inmate who
19 meets the eligibility requirements for youthful offender
20 designation specified in s. 958.04(1)(a) and (c) whose age
21 does not exceed 24 years and whose total length of sentence
22 does not exceed 10 years, and the department may classify and
23 assign as a youthful offender any inmate who meets the
24 criteria of this subsection.

25 (5) The department ~~Population Movement and Control~~
26 ~~Coordinator~~ shall coordinate all youthful offender assignments
27 or transfers ~~and shall consult with the Office of the~~
28 ~~Assistant Secretary for Youthful Offenders.~~ The department
29 ~~Office of the Assistant Secretary for Youthful Offenders~~ shall
30 review and maintain access to full and complete documentation
31 and substantiation of all such assignments or transfers of

1 youthful offenders to or from facilities in the state
2 correctional system which are not designated for their care,
3 custody, and control, except assignments or transfers made
4 pursuant to paragraph (3)(c).

5 (6) The department may assign to a youthful offender
6 facility any inmate, except a capital or life felon, whose age
7 does not exceed 19 years but who does not otherwise meet the
8 criteria of this section, if the department ~~Assistant~~
9 ~~Secretary for Youthful Offenders~~ determines that such inmate's
10 mental or physical vulnerability would substantially or
11 materially jeopardize his or her safety in a nonyouthful
12 offender facility. Assignments made under this subsection
13 shall be included in the department's annual report.

14 Section 3. This act shall take effect July 1, 2005.

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16 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
17 COMMITTEE SUBSTITUTE FOR
18 Senate Bill 646

19 The committee substitute removes inappropriate references to
20 juvenile boot camps that were mistakenly placed in the
21 original bill and used interchangeably with references to
22 adult basic training programs.
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