

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

18
 19 Be It Enacted by the Legislature of the State of Florida:

20
 21 Section 1. Present subsection (4) of section 985.225,
 22 Florida Statutes, is redesignated as subsection (5), and a new
 23 subsection (4) is added to that section, to read:

24 985.225 Indictment of a juvenile; parole of certain
 25 offenders.--

26 (4)(a) If the child is 15 years of age or younger and is
 27 sentenced to life imprisonment or to a minimum term of
 28 imprisonment in excess of 10 years, the child is eligible for

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

- 31 1. Any offense specified in s. 775.084(1)(b)1.;
- 32 2. Section 784.03, relating to battery;
- 33 3. Section 827.03, relating to child abuse; or
- 34 4. Section 828.12, relating to cruelty to animals.

35 (b) Except as otherwise provided in s. 958.11(3), the
 36 child shall be incarcerated in a facility for youthful
 37 offenders.

38 (c) The Parole Commission shall review the child's
 39 eligibility for release under ss. 947.16-947.26, except that the
 40 commission shall conduct the initial interview with the child
 41 within 2 months after the initial date of confinement in
 42 execution of the judgment. The age and maturity of the child at
 43 the time of the offense and the wishes of the victim or the
 44 victim's next of kin must be considered in establishing the
 45 presumptive parole release date. If the child has not been
 46 granted parole by the time the child reaches 25 years of age, or
 47 is not granted parole after a second eligibility review
 48 conducted by the commission before the child reaches 25 years of
 49 age, the child shall be transferred from the facility for
 50 youthful offenders to an appropriate facility for adults.

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