

1                                   A bill to be entitled  
 2       An act relating to parole for adolescent offenders;  
 3       providing a short title; amending s. 947.16, F.S.;  
 4       providing that a child younger than a specified age who is  
 5       sentenced to life or more than 10 years in prison is eligible  
 6       for parole if the child has been incarcerated for a minimum  
 7       period and has not previously been adjudicated for certain  
 8       offenses; requiring an initial eligibility interview to  
 9       determine whether the adolescent offender has been  
 10      sufficiently rehabilitated for parole; providing criteria to  
 11      determine sufficient rehabilitation; providing that the child  
 12      be incarcerated in an adolescent offender facility; providing  
 13      that, if the child is not granted parole by a specified age,  
 14      the child must be transferred from the adolescent offender  
 15      facility to an appropriate adult facility; providing for  
 16      retroactive application; providing an effective date.

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

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 20           Section 1. This act may be cited as the "Children in  
 21 Prison Rehabilitation Act of 2008."

22           Section 2. Paragraph (f) is added to subsection (1) of  
 23 section 947.16, Florida Statutes, subsections (2) through (6)  
 24 are renumbered as subsections (3) through (7), respectively, and  
 25 a new subsection (2) is added to that section, to read:

26           947.16 Eligibility for parole; initial parole interviews;  
 27 powers and duties of commission; adolescent offender  
 28 eligibility.--

HB 1137

2008

29 (1) Every person who has been convicted of a felony or who  
30 has been convicted of one or more misdemeanors and whose  
31 sentence or cumulative sentences total 12 months or more, who is  
32 confined in execution of the judgment of the court, and whose  
33 record during confinement or while under supervision is good,  
34 shall, unless otherwise provided by law, be eligible for  
35 interview for parole consideration of her or his cumulative  
36 sentence structure as follows:

37 (f)1. An adolescent offender is an offender who was under  
38 16 years of age at the time the criminal act was committed, was  
39 sentenced to life, or to a single or cumulative term of  
40 imprisonment of 10 years or more, and has served 8 years of the  
41 sentence. An adolescent offender may be eligible for parole as  
42 provided in this paragraph. An adolescent offender is ineligible  
43 under this subsection if she or he, before the current offense,  
44 which is one or more crimes committed by the child within a 1-  
45 month period of time or for which sentences run concurrent to  
46 each other, pled nolo contendere to or was convicted of any  
47 violation of:

48 a. Section 784.041, entitled "Felony battery; domestic  
49 battery by strangulation";

50 b. Section 784.045, entitled "Aggravated battery";

51 c. Section 784.07, entitled "Assault or battery of law  
52 enforcement officers, firefighters, emergency medical care  
53 providers, public transit employees or agents, or other  
54 specified officers; reclassification of offenses; minimum  
55 sentences";

HB 1137

2008

56 d. Section 784.08, entitled "Assault or battery on persons  
57 65 years of age or older; reclassification of offenses; minimum  
58 sentence";

59 e. Section 790.07, entitled "Persons engaged in criminal  
60 offense, having weapons";

61 f. Section 794.011, entitled "Sexual battery";

62 g. Section 827.03, entitled "Abuse, aggravated abuse, and  
63 neglect of a child; penalties"; or

64 h. Section 828.12, entitled "Cruelty to animals."

65 2. Before an adolescent offender may be granted parole  
66 under this paragraph, she or he must have an initial eligibility  
67 interview to determine whether she or he has been sufficiently  
68 rehabilitated while in the custody of the department to justify  
69 granting parole. In order to determine if the adolescent  
70 offender has been sufficiently rehabilitated, the hearing  
71 examiner must consider whether:

72 a. The adolescent offender was a principal to the criminal  
73 offense or an accomplice to the offense, a relatively minor  
74 participant in the criminal offense, or acted under extreme  
75 duress or domination of another person.

76 b. The offense was an isolated incident for which the  
77 adolescent offender has shown remorse.

78 c. The adolescent offender's age, maturity, and  
79 psychological development at the time of the offense affected  
80 her or his behavior.

81 d. The adolescent offender, while in the custody of the  
82 department, has aided inmates suffering from catastrophic or

HB 1137

2008

83 terminal medical, mental, or physical conditions or has  
84 prevented risk or injury to staff, citizens, or other inmates.

85 e. The adolescent offender has successfully completed  
86 educational and self-rehabilitation programs.

87 f. The adolescent offender has received no disciplinary  
88 reports for a period of at least 2 years.

89 g. The adolescent offender was a victim of sexual,  
90 physical, or emotional abuse.

91 h. The wishes of the victim or the opinions of the  
92 victim's next of kin have been taken into consideration.

93 (2) Except as otherwise provided in chapter 958, an  
94 adolescent offender must be serving the sentence in a facility  
95 designated for adolescent offenders. If an adolescent offender  
96 has not been granted parole by the time she or he reaches 25  
97 years of age, the adolescent offender must be transferred from  
98 the adolescent offender facility to an appropriate adult  
99 facility.

100 Section 3. This act shall take effect upon becoming a law  
101 and shall apply retroactively.