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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/18/2009	.	
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The Committee on Criminal Justice (King) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. This act may be cited as the "Second Chance for Children in Prison Act of 2009."

Section 2. Paragraph (f) is added to subsection (1) of section 947.16, Florida Statutes, subsections (2) through (6) are renumbered as subsections (4) through (8), respectively, and new subsections (2) and (3) are added to that section, to read:

947.16 Eligibility for parole; initial parole interviews;



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12 powers and duties of commission; adolescent offender  
13 eligibility.—

14 (1) Every person who has been convicted of a felony or who  
15 has been convicted of one or more misdemeanors and whose  
16 sentence or cumulative sentences total 12 months or more, who is  
17 confined in execution of the judgment of the court, and whose  
18 record during confinement or while under supervision is good,  
19 shall, unless otherwise provided by law, be eligible for  
20 interview for parole consideration of her or his cumulative  
21 sentence structure as follows:

22 (f)1. As used in this paragraph and subsections (2) and  
23 (3), the term:

24 a. "Adolescent offender" means an offender who was 15 years  
25 of age or younger at the time the criminal act was committed and  
26 was sentenced to life or to a single or cumulative term of  
27 imprisonment of 10 years or more.

28 b. "Current offense" means the offense for which the  
29 adolescent offender is being considered for parole and any other  
30 crimes committed by the adolescent offender within a 1-month  
31 period of that offense, or for which sentences run concurrent to  
32 that offense.

33 2. Notwithstanding the provisions of this subsection or of  
34 any other law to the contrary, an adolescent offender may be  
35 eligible for parole as provided in this paragraph. An adolescent  
36 offender is ineligible under this paragraph if she or he, before  
37 conviction of the current offense, was convicted or adjudicated  
38 delinquent of or had adjudication withheld for any violation of:

39 a. Section 782.04, entitled "Murder";

40 b. Section 784.041, entitled "Felony battery; domestic



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41 battery by strangulation";  
42 c. Section 784.045, entitled "Aggravated battery";  
43 d. Section 784.07, entitled "Assault or battery of law  
44 enforcement officers, firefighters, emergency medical care  
45 providers, public transit employees or agents, or other  
46 specified officers; reclassification of offenses; minimum  
47 sentences";  
48 e. Section 784.08, entitled "Assault or battery on persons  
49 65 years of age or older; reclassification of offenses; minimum  
50 sentence";  
51 f. Section 787.01, entitled "Kidnapping; kidnapping of  
52 child under age 13, aggravating circumstances";  
53 g. Section 790.07, entitled "Persons engaged in criminal  
54 offense, having weapons";  
55 h. Section 794.011, entitled "Sexual battery";  
56 i. Section 812.133, entitled "Carjacking";  
57 j. Section 812.135, entitled "Home-invasion robbery";  
58 k. Section 827.03, entitled "Abuse, aggravated abuse, and  
59 neglect of a child; penalties"; or  
60 l. Section 828.12, entitled "Cruelty to animals."  
61 3. Before an adolescent offender may be granted parole  
62 under this paragraph, she or he must have an initial eligibility  
63 interview to determine whether she or he has been sufficiently  
64 rehabilitated while in the custody of the department to justify  
65 granting parole. The initial eligibility interview will occur in  
66 the eighth year of incarceration. In order to determine if the  
67 adolescent offender has been sufficiently rehabilitated, she or  
68 he must have successfully completed the General Educational  
69 Development (GED) program unless waived based on disability and



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70 have received no approved disciplinary reports for a period of  
71 at least 2 years immediately prior to the current eligibility  
72 interview. The hearing examiner must also take into serious  
73 consideration the wishes of the victim or the opinions of the  
74 victim's next of kin and must also consider whether:

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

79 b. The adolescent offender has shown remorse for the  
80 criminal offense.

81 c. The adolescent offender's age, maturity, and  
82 psychological development at the time of the offense affected  
83 her or his behavior.

84 d. The adolescent offender, while in the custody of the  
85 department, has aided inmates suffering from catastrophic or  
86 terminal medical, mental, or physical conditions or has  
87 prevented risk or injury to staff, citizens, or other inmates.

88 e. The adolescent offender has successfully completed  
89 educational and self-rehabilitation programs.

90 f. The adolescent offender was a victim of sexual,  
91 physical, or emotional abuse.

92 4. An adolescent offender who is not granted parole under  
93 this paragraph after an initial eligibility interview shall be  
94 eligible for a reinterview 2 years after the date of the denial  
95 of the grant of parole and every 2 years thereafter.

96 (2) An adolescent offender must serve her or his sentence  
97 in a facility that has a General Educational Development (GED)  
98 program unless the adolescent offender has already successfully



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99 completed a GED program.

100 (3) If the adolescent offender is granted parole, the  
101 adolescent offender must participate in any available reentry  
102 program for 2 years. As used in this subsection, the term  
103 "reentry program" means a program that promotes effective  
104 reintegration of offenders back into communities upon release  
105 and provides one or more of the following: vocational training,  
106 placement services, transitional housing, mentoring, or drug  
107 rehabilitation. Priority shall be given to those reentry  
108 programs that are residential, highly structured, self-reliant,  
109 and therapeutic communities.

110 Section 3. An adolescent offender, as defined in s.  
111 947.16(1)(f), Florida Statutes, as created by this act, in his  
112 or her eighth or subsequent year of incarceration on the  
113 effective date of this act must receive an initial eligibility  
114 interview as provided in s. 947.16(1)(f)3., Florida Statutes, as  
115 created by this act, if he or she is otherwise eligible.

116 Section 4. This act shall take effect upon becoming a law  
117 and shall apply retroactively.

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120 ===== T I T L E A M E N D M E N T =====

121 And the title is amended as follows:

122 Delete everything before the enacting clause  
123 and insert:

124 An act relating to parole for adolescent offenders; providing a  
125 short title; amending s. 947.16, F.S.; providing definitions;  
126 providing that an adolescent offender who was 15 years of age or  
127 younger at the time of commission of an offense and who is



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128 sentenced to life or more than 10 years in prison is eligible  
129 for parole if the offender has been incarcerated for a minimum  
130 period and has not previously been convicted or adjudicated  
131 delinquent of or had adjudication withheld for certain offenses;  
132 requiring an initial eligibility interview to determine whether  
133 the adolescent offender has been sufficiently rehabilitated for  
134 parole; providing criteria to determine sufficient  
135 rehabilitation; providing eligibility for a reinterview after a  
136 specified period for adolescent offenders denied parole;  
137 providing that the adolescent offender be incarcerated in a  
138 facility with a GED program; providing that if the adolescent  
139 offender is granted parole, the adolescent offender must  
140 participate in any available reentry program for 2 years;  
141 defining the term "reentry program"; providing priority for  
142 certain programs; providing for eligibility for an initial  
143 eligibility interview for offenders in their eighth or  
144 subsequent year of incarceration on the effective date of the  
145 act; providing for retroactive application; providing an  
146 effective date.