

By Senator King

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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 definitions; providing that a child 15 years
5 of age or younger who is sentenced to life or more
6 than 10 years in prison is eligible for parole if the
7 offender has been incarcerated for a minimum period
8 and has not previously been adjudicated for certain
9 offenses; requiring an initial eligibility interview
10 to determine whether the adolescent offender has been
11 sufficiently rehabilitated for parole; providing
12 criteria to determine sufficient rehabilitation;
13 providing eligibility for a reinterview after a
14 specified period for offenders denied parole;
15 providing that the child be incarcerated in an
16 adolescent offender facility with a GED program;
17 providing that if the child is not granted parole by a
18 specified age, the child must be transferred from the
19 adolescent offender facility to an appropriate adult
20 facility with a GED program; providing that if the
21 child is granted parole, the adolescent offender must
22 participate in any available reentry program for 2
23 years; defining the term "reentry program"; providing
24 priority for certain programs; providing for
25 eligibility for an initial eligibility interview for
26 offenders in their eighth or subsequent year of
27 incarceration on the effective date of the act;
28 providing for retroactive application; providing an
29 effective date.

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31 Be It Enacted by the Legislature of the State of Florida:
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33 Section 1. This act may be cited as the "Second Chance for
34 Children in Prison Act of 2009."

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

39 947.16 Eligibility for parole; initial parole interviews;
40 powers and duties of commission; adolescent offender
41 eligibility.-

42 (1) Every person who has been convicted of a felony or who
43 has been convicted of one or more misdemeanors and whose
44 sentence or cumulative sentences total 12 months or more, who is
45 confined in execution of the judgment of the court, and whose
46 record during confinement or while under supervision is good,
47 shall, unless otherwise provided by law, be eligible for
48 interview for parole consideration of her or his cumulative
49 sentence structure as follows:

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

52 a. "Adolescent offender" means an offender who was 15 years
53 of age or younger at the time the criminal act was committed and
54 was sentenced to life, or to a single or cumulative term of
55 imprisonment of 10 years or more, and has served 8 years of the
56 sentence.

57 b. "Current offense" means one or more crimes committed by
58 the adolescent offender within a 1-month period of time or for

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59 which sentences run concurrent to each other.

60 2. An adolescent offender may be eligible for parole as
61 provided in this paragraph. An adolescent offender is ineligible
62 under this paragraph if she or he, before the current offense,
63 pled nolo contendere to or was convicted of any violation of:

64 a. Section 782.04, entitled "Murder";

65 b. Section 784.041, entitled "Felony battery; domestic
66 battery by strangulation";

67 c. Section 784.045, entitled "Aggravated battery";

68 d. Section 784.07, entitled "Assault or battery of law
69 enforcement officers, firefighters, emergency medical care
70 providers, public transit employees or agents, or other
71 specified officers; reclassification of offenses; minimum
72 sentences";

73 e. Section 784.08, entitled "Assault or battery on persons
74 65 years of age or older; reclassification of offenses; minimum
75 sentence";

76 f. Section 790.07, entitled "Persons engaged in criminal
77 offense, having weapons";

78 g. Section 794.011, entitled "Sexual battery";

79 h. Section 827.03, entitled "Abuse, aggravated abuse, and
80 neglect of a child; penalties"; or

81 i. Section 828.12, entitled "Cruelty to animals."

82 3. Before an adolescent offender may be granted parole
83 under this paragraph, she or he must have an initial eligibility
84 interview to determine whether she or he has been sufficiently
85 rehabilitated while in the custody of the department to justify
86 granting parole. The initial eligibility interview will occur in
87 the eighth year of incarceration. In order to determine if the

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88 adolescent offender has been sufficiently rehabilitated, she or
89 he must have successfully completed the General Educational
90 Development (GED) program and have received no disciplinary
91 reports for a period of at least 2 years. The hearing examiner
92 must also consider whether:

93 a. The adolescent offender was a principal to the criminal
94 offense or an accomplice to the offense, a relatively minor
95 participant in the criminal offense, or acted under extreme
96 duress or domination of another person.

97 b. The adolescent offender has shown remorse for the
98 criminal offense.

99 c. The adolescent offender's age, maturity, and
100 psychological development at the time of the offense affected
101 her or his behavior.

102 d. The adolescent offender, while in the custody of the
103 department, has aided inmates suffering from catastrophic or
104 terminal medical, mental, or physical conditions or has
105 prevented risk or injury to staff, citizens, or other inmates.

106 e. The adolescent offender has successfully completed
107 educational and self-rehabilitation programs.

108 f. The adolescent offender was a victim of sexual,
109 physical, or emotional abuse.

110 g. The wishes of the victim or the opinions of the victim's
111 next of kin have been taken into serious consideration.

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

116 (2) Except as otherwise provided in chapter 958, an

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117 adolescent offender must be serving the sentence in a facility
118 designated for adolescent offenders that has a General
119 Educational Development (GED) program. The adolescent offender
120 shall receive priority in GED program placement. If an
121 adolescent offender has not been granted parole by the time she
122 or he reaches 25 years of age, the adolescent offender must be
123 transferred from the adolescent offender facility to an
124 appropriate adult facility that has a General Educational
125 Development (GED) program.

126 (3) If the adolescent offender is granted parole, the
127 adolescent offender must participate in any available reentry
128 program for 2 years. As used in this subsection, the term
129 "reentry program" means a program that promotes effective
130 reintegration of offenders back into communities upon release
131 and provides one or more of the following: vocational training,
132 placement services, transitional housing, mentoring, or drug
133 rehabilitation. Priority shall be given to those reentry
134 programs that are residential, highly structured, self-reliant,
135 and therapeutic communities.

136 Section 3. An adolescent offender, as defined in s.
137 947.16(1)(f), Florida Statutes, as created by this act, in his
138 or her eighth or subsequent year of incarceration on the
139 effective date of this act must receive an initial eligibility
140 interview as provided in s. 947.16(1)(f)3., Florida Statutes, as
141 created by this act, if he or she is otherwise eligible.

142 Section 4. This act shall take effect upon becoming a law
143 and shall apply retroactively.