

CS/HB 757

2009

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

24
25 Be It Enacted by the Legislature of the State of Florida:

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

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

33 947.16 Eligibility for parole; initial parole interviews;
 34 powers and duties of commission; adolescent offender
 35 eligibility.--

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

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

46 a. "Adolescent offender" means an offender who was 15
 47 years of age or younger at the time the criminal act was
 48 committed and was sentenced to life or to a single or cumulative
 49 term of imprisonment of 10 years or more.

50 b. "Current offense" means one or more crimes committed by
 51 the adolescent offender within a 1-month period of time or for
 52 which sentences run concurrent to each other.

53 2. An adolescent offender may be eligible for parole as
 54 provided in this paragraph. An adolescent offender is ineligible
 55 under this paragraph if she or he, before the current offense,
 56 was convicted or adjudicated delinquent of or had adjudication

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57 withheld for any violation of:

58 a. Section 782.04, entitled "Murder";

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

60 battery by strangulation";

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

62 d. Section 784.07, entitled "Assault or battery of law

63 enforcement officers, firefighters, emergency medical care

64 providers, public transit employees or agents, or other

65 specified officers; reclassification of offenses; minimum

66 sentences";

67 e. Section 784.08, entitled "Assault or battery on persons

68 65 years of age or older; reclassification of offenses; minimum

69 sentence";

70 f. Section 787.01, entitled "Kidnapping; kidnapping of

71 child under age 13, aggravating circumstances";

72 g. Section 790.07, entitled "Persons engaged in criminal

73 offense, having weapons";

74 h. Section 794.011, entitled "Sexual battery";

75 i. Section 812.133, entitled "Carjacking";

76 j. Section 812.135, entitled "Home-invasion robbery";

77 k. Section 827.03, entitled "Abuse, aggravated abuse, and

78 neglect of a child; penalties"; or

79 1. Section 828.12, entitled "Cruelty to animals."

80 3. Before an adolescent offender may be granted parole

81 under this paragraph, she or he must have an initial eligibility

82 interview to determine whether she or he has been sufficiently

83 rehabilitated while in the custody of the department to justify

84 granting parole. The initial eligibility interview will occur in

85 the eighth year of incarceration. In order to determine if the
86 adolescent offender has been sufficiently rehabilitated, she or
87 he must have successfully completed the General Educational
88 Development (GED) program unless waived based on disability and
89 have received no disciplinary reports for a period of at least 2
90 years immediately prior to initial and subsequent interviews.
91 The hearing examiner must also take into serious consideration
92 the wishes of the victim or the opinions of the victim's next of
93 kin and must also consider whether:

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

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

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

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

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

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

111 4. An adolescent offender who is not granted parole under
112 this paragraph after an initial eligibility interview shall be

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113 eligible for a reinterview 2 years after the date of the denial
114 of the grant of parole and every 2 years thereafter.

115 (2) An adolescent offender must be serving the sentence in
116 a facility that has a General Educational Development (GED)
117 program unless the adolescent offender has already successfully
118 completed a GED program.

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

129 Section 3. An adolescent offender, as defined in s.
130 947.16(1)(f), Florida Statutes, as created by this act, in his
131 or her eighth or subsequent year of incarceration on the
132 effective date of this act must receive an initial eligibility
133 interview as provided in s. 947.16(1)(f)3., Florida Statutes, as
134 created by this act, if he or she is otherwise eligible.

135 Section 4. This act shall take effect upon becoming a law
136 and shall apply retroactively.