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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/13/2010	.	
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The Committee on Criminal and Civil Justice Appropriations
(Joyner) recommended the following:

Senate Amendment (with title amendment)

Delete lines 51 - 125
and insert:

(b) Notwithstanding the provisions of subsection (1) or of any other law to the contrary, an adolescent offender may be eligible for parole as provided in this subsection.

(c) An adolescent offender is ineligible under this subsection if she or he:

1. Before conviction of the current offense, was convicted of or adjudicated delinquent for any violation of:



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13 a. Section 782.04, entitled "Murder";

14 b. Section 784.041, entitled "Felony battery; domestic
15 battery by strangulation";

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

17 d. Section 784.07, entitled "Assault or battery of law
18 enforcement officers, firefighters, emergency medical care
19 providers, public transit employees or agents, or other
20 specified officers; reclassification of offenses; minimum
21 sentences";

22 e. Section 784.08, entitled "Assault or battery on persons
23 65 years of age or older; reclassification of offenses; minimum
24 sentence";

25 f. Section 787.01, entitled "Kidnapping; kidnapping of
26 child under age 13, aggravating circumstances";

27 g. Section 790.07, entitled "Persons engaged in criminal
28 offense, having weapons";

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

30 i. Section 812.133, entitled "Carjacking";

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

32 k. Section 827.03, entitled "Abuse, aggravated abuse, and
33 neglect of a child; penalties"; or

34 1. Section 828.12(2), entitled "Cruelty to animals."

35 2. During the commission of the current offense, committed
36 an act of violence or threatened to commit an act of violence.

37 (d) Before an adolescent offender may be granted parole
38 under this subsection, she or he must have an initial
39 eligibility interview to determine whether she or he has been
40 sufficiently rehabilitated while in the custody of the
41 department to justify granting parole. The initial eligibility



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42 interview will occur in the eighth year of incarceration. In
43 order to determine if the adolescent offender has been
44 sufficiently rehabilitated, she or he must have successfully
45 completed the General Educational Development (GED) program,
46 unless waived based on disability, and have received no approved
47 disciplinary reports for a period of at least 2 years
48 immediately prior to the current eligibility interview. The
49 hearing examiner must also take into serious consideration the
50 wishes of the victim or the opinions of the victim's next of kin
51 and consider:

52 1. Whether the adolescent offender was a principal to the
53 criminal offense or an accomplice to the offense, a relatively
54 minor participant in the criminal offense, or acted under
55 extreme duress or domination of another person.

56 2. Whether the adolescent offender has shown remorse for
57 the criminal offense.

58 3. Whether the adolescent offender's age, maturity, and
59 psychological development at the time of the offense affected
60 her or his behavior.

61 4. Whether the adolescent offender, while in the custody of
62 the department, has aided inmates suffering from catastrophic or
63 terminal medical, mental, or physical conditions or has
64 prevented risk or injury to staff, citizens, or other inmates.

65 5. Whether the adolescent offender has successfully
66 completed educational, technical, or vocational programs and any
67 available self-rehabilitation programs.

68 6. Whether the adolescent offender was a victim of sexual,
69 physical, or emotional abuse.

70 7. The results of any mental health assessment or



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71 evaluation that has been performed on the adolescent offender.

72 (e) An adolescent offender who is not granted parole under
73 this subsection after an initial eligibility interview shall be
74 eligible for a reinterview 7 years after the date of the denial
75 of the grant of parole and every 7 years thereafter.

76 (f) Within 240 days before the initial eligibility
77 interview and at each reinterview thereafter, the commission
78 shall review the adolescent offenders in the department's
79 custody to determine which offenders meet the criteria for
80 parole consideration under this section but have not obtained a
81 General Educational Development (GED) certificate. The
82 commission shall notify the department of any such inmate and
83 the department shall enroll the inmate in a GED program within a
84 reasonable time based upon program availability. The department
85 may remove the offender from the program if he or she:

86 1. Becomes a serious management or disciplinary problem
87 resulting from serious or repeat violations of departmental
88 rules;

89 2. Refuses to participate in the program, or does not
90 actively participate in the program for reasons other than
91 actions by the department which would preclude participation; or

92 3. Requires services, such as medical or mental health
93 treatment, which no longer allow him or her to participate in
94 the program.

95 (g) If the adolescent offender is granted parole, the

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

98 And the title is amended as follows:

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100 Delete lines 17 - 19

101 and insert:

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103 offenders denied parole; requiring the commission,
104 before any eligibility interview, to review the
105 adolescent offenders in the department's custody to
106 determine which offenders meet the criteria for parole
107 consideration but have not obtained a GED certificate;
108 requiring the department to enroll such inmates in a
109 GED program within a reasonable time; providing that
110 if the adolescent offender is