



586446

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/09/2010	.	
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The Committee on Criminal Justice (Siplin) 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."

Section 2. Present subsections (2) through (6) of section 947.16, Florida Statutes, are renumbered as subsections (3) through (7), respectively, and a new subsection (2) is added to that section to read:

947.16 Eligibility for parole; initial parole interviews; powers and duties of commission; adolescent offender



586446

13 eligibility.-

14 (2) (a) As used in this subsection, the term:

15 1. "Adolescent offender" means an offender who was 15 years
16 of age or younger at the time the criminal act was committed and
17 was sentenced to life or to a single or cumulative term of
18 imprisonment of 10 years or more.

19 2. "Current offense" means the offense for which the
20 adolescent offender is being considered for parole and any other
21 crimes committed by the adolescent offender within a 1-month
22 period of that offense, or for which sentences run concurrent to
23 that offense.

24 (b) Notwithstanding the provisions of subsection (1) or of
25 any other law to the contrary, an adolescent offender may be
26 eligible for parole as provided in this subsection. An
27 adolescent offender is ineligible under this subsection if she
28 or he, before conviction of the current offense, was convicted
29 of or adjudicated delinquent for any violation of:

30 1. Section 782.04, entitled "Murder";

31 2. Section 784.041, entitled "Felony battery; domestic
32 battery by strangulation";

33 3. Section 784.045, entitled "Aggravated battery";

34 4. Section 784.07, entitled "Assault or battery of law
35 enforcement officers, firefighters, emergency medical care
36 providers, public transit employees or agents, or other
37 specified officers; reclassification of offenses; minimum
38 sentences";

39 5. Section 784.08, entitled "Assault or battery on persons
40 65 years of age or older; reclassification of offenses; minimum
41 sentence";



586446

42 6. Section 787.01, entitled "Kidnapping; kidnapping of
43 child under age 13, aggravating circumstances";

44 7. Section 790.07, entitled "Persons engaged in criminal
45 offense, having weapons";

46 8. Section 794.011, entitled "Sexual battery";

47 9. Section 812.133, entitled "Carjacking";

48 10. Section 812.135, entitled "Home-invasion robbery";

49 11. Section 827.03, entitled "Abuse, aggravated abuse, and
50 neglect of a child; penalties"; or

51 12. Section 828.12(2), entitled "Cruelty to animals."

52 (c) Before an adolescent offender may be granted parole
53 under this subsection, she or he must have an initial
54 eligibility interview to determine whether she or he has been
55 sufficiently rehabilitated while in the custody of the
56 department to justify granting parole. The initial eligibility
57 interview will occur in the eighth year of incarceration. In
58 order to determine if the adolescent offender has been
59 sufficiently rehabilitated, she or he must have successfully
60 completed the General Educational Development (GED) program
61 unless waived based on disability and have received no approved
62 disciplinary reports for a period of at least 2 years
63 immediately prior to the current eligibility interview. The
64 hearing examiner must also take into serious consideration the
65 wishes of the victim or the opinions of the victim's next of kin
66 and consider whether:

67 1. The adolescent offender was a principal to the criminal
68 offense or an accomplice to the offense, a relatively minor
69 participant in the criminal offense, or acted under extreme
70 duress or domination of another person.



586446

71 2. The adolescent offender committed an act of violence or
72 threatened to commit an act of violence during the commission of
73 the criminal offense.

74 3. The adolescent offender has shown remorse for the
75 criminal offense.

76 4. The adolescent offender's age, maturity, and
77 psychological development at the time of the offense affected
78 her or his behavior.

79 5. The adolescent offender, while in the custody of the
80 department, has aided inmates suffering from catastrophic or
81 terminal medical, mental, or physical conditions or has
82 prevented risk or injury to staff, citizens, or other inmates.

83 6. The adolescent offender has successfully completed
84 educational, technical, or vocational programs and any available
85 self-rehabilitation programs.

86 7. The adolescent offender was a victim of sexual,
87 physical, or emotional abuse.

88 8. The results of any mental health assessment or
89 evaluation that has been performed on the adolescent offender.

90 (d) An adolescent offender who is not granted parole under
91 this subsection after an initial eligibility interview shall be
92 eligible for a reinterview 7 years after the date of the denial
93 of the grant of parole and every 7 years thereafter.

94 (e) An adolescent offender must serve her or his sentence
95 in a facility that has a General Educational Development (GED)
96 program unless the adolescent offender has already successfully
97 completed a GED program.

98 (f) If the adolescent offender is granted parole, the
99 adolescent offender must participate in any available reentry



586446

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

108 Section 3. An adolescent offender, as defined in s.
109 947.16(2)(a), Florida Statutes, as created by this act, who is
110 in her or his eighth or subsequent year of incarceration on the
111 effective date of this act must receive an initial eligibility
112 interview as provided in s. 947.16(2)(c), Florida Statutes, as
113 created by this act, if she or he is otherwise eligible.

114 Section 4. This act shall take effect upon becoming a law,
115 and applies to offenses committed before, on, or after that
116 date.

117
118 ===== T I T L E A M E N D M E N T =====

119 And the title is amended as follows:

120 Delete everything before the enacting clause
121 and insert:

122 A bill to be entitled
123 An act relating to parole for adolescent offenders;
124 providing a short title; amending s. 947.16, F.S.;
125 providing definitions; providing that an adolescent
126 offender who was 15 years of age or younger at the
127 time of commission of an offense and who is sentenced
128 to life or a single or cumulative term of 10 years or



586446

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