

By the Committee on Criminal Justice; and Senators Joyner and Dockery

591-02746-10

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

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

34 Section 2. Present subsections (2) through (6) of section
35 947.16, Florida Statutes, are renumbered as subsections (3)
36 through (7), respectively, and a new subsection (2) is added to
37 that section to read:

38 947.16 Eligibility for parole; initial parole interviews;
39 powers and duties of commission; adolescent offender
40 eligibility.-

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

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

46 2. "Current offense" means the offense for which the
47 adolescent offender is being considered for parole and any other
48 crimes committed by the adolescent offender within a 1-month
49 period of that offense, or for which sentences run concurrent to
50 that offense.

51 (b) Notwithstanding the provisions of subsection (1) or of
52 any other law to the contrary, an adolescent offender may be
53 eligible for parole as provided in this subsection. An
54 adolescent offender is ineligible under this subsection if she
55 or he, before conviction of the current offense, was convicted
56 of or adjudicated delinquent for any violation of:

57 1. Section 782.04, entitled "Murder";

58 2. Section 784.041, entitled "Felony battery; domestic

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59 battery by strangulation”;

60 3. Section 784.045, entitled “Aggravated battery”;

61 4. Section 784.07, entitled “Assault or battery of law
62 enforcement officers, firefighters, emergency medical care
63 providers, public transit employees or agents, or other
64 specified officers; reclassification of offenses; minimum
65 sentences”;

66 5. Section 784.08, entitled “Assault or battery on persons
67 65 years of age or older; reclassification of offenses; minimum
68 sentence”;

69 6. Section 787.01, entitled “Kidnapping; kidnapping of
70 child under age 13, aggravating circumstances”;

71 7. Section 790.07, entitled “Persons engaged in criminal
72 offense, having weapons”;

73 8. Section 794.011, entitled “Sexual battery”;

74 9. Section 812.133, entitled “Carjacking”;

75 10. Section 812.135, entitled “Home-invasion robbery”;

76 11. Section 827.03, entitled “Abuse, aggravated abuse, and
77 neglect of a child; penalties”; or

78 12. Section 828.12(2), entitled “Cruelty to animals.”

79 (c) Before an adolescent offender may be granted parole
80 under this subsection, she or he must have an initial
81 eligibility interview to determine whether she or he has been
82 sufficiently rehabilitated while in the custody of the
83 department to justify granting parole. The initial eligibility
84 interview will occur in the eighth year of incarceration. In
85 order to determine if the adolescent offender has been
86 sufficiently rehabilitated, she or he must have successfully
87 completed the General Educational Development (GED) program

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88 unless waived based on disability and have received no approved
89 disciplinary reports for a period of at least 2 years
90 immediately prior to the current eligibility interview. The
91 hearing examiner must also take into serious consideration the
92 wishes of the victim or the opinions of the victim's next of kin
93 and consider whether:

94 1. 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 2. The adolescent offender committed an act of violence or
99 threatened to commit an act of violence during the commission of
100 the criminal offense.

101 3. The adolescent offender has shown remorse for the
102 criminal offense.

103 4. The adolescent offender's age, maturity, and
104 psychological development at the time of the offense affected
105 her or his behavior.

106 5. The adolescent offender, while in the custody of the
107 department, has aided inmates suffering from catastrophic or
108 terminal medical, mental, or physical conditions or has
109 prevented risk or injury to staff, citizens, or other inmates.

110 6. The adolescent offender has successfully completed
111 educational, technical, or vocational programs and any available
112 self-rehabilitation programs.

113 7. The adolescent offender was a victim of sexual,
114 physical, or emotional abuse.

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

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

121 (e) An adolescent offender must serve her or his sentence
122 in a facility that has a General Educational Development (GED)
123 program unless the adolescent offender has already successfully
124 completed a GED program.

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

135 Section 3. An adolescent offender, as defined in s.
136 947.16(2) (a), Florida Statutes, as created by this act, who is
137 in her or his eighth or subsequent year of incarceration on the
138 effective date of this act must receive an initial eligibility
139 interview as provided in s. 947.16(2) (c), Florida Statutes, as
140 created by this act, if she or he is otherwise eligible.

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