

By the Committees on Criminal and Civil Justice Appropriations;
and Criminal Justice; and Senators Joyner and Dockery

604-04842-10

2010184c2

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; requiring the commission,
18 before any eligibility interview, to review the
19 adolescent offenders in the department's custody to
20 determine which offenders meet the criteria for parole
21 consideration but have not obtained a GED certificate;
22 requiring the department to enroll such inmates in a
23 GED program within a reasonable time; providing that
24 if the adolescent offender is granted parole, the
25 adolescent offender must participate in any available
26 reentry program for 2 years; defining the term
27 "reentry program"; providing priority for certain
28 programs; providing for eligibility for an initial
29 eligibility interview for offenders in their eighth or

604-04842-10

2010184c2

30 subsequent year of incarceration on the effective date
31 of the act; providing for retroactive application;
32 providing an effective date.
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34 Be It Enacted by the Legislature of the State of Florida:
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36 Section 1. This act may be cited as the "Second Chance for
37 Children in Prison Act."

38 Section 2. Present subsections (2) through (6) of section
39 947.16, Florida Statutes, are renumbered as subsections (3)
40 through (7), respectively, and a new subsection (2) is added to
41 that section to read:

42 947.16 Eligibility for parole; initial parole interviews;
43 powers and duties of commission; adolescent offender
44 eligibility.-

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

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

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

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

58 (c) An adolescent offender is ineligible under this

604-04842-10

2010184c2

59 subsection if she or he:

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

62 a. Section 782.04, entitled "Murder";

63 b. Section 784.041, entitled "Felony battery; domestic
64 battery by strangulation";

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

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

71 e. Section 784.08, entitled "Assault or battery on persons
72 65 years of age or older; reclassification of offenses; minimum
73 sentence";

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

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

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

79 i. Section 812.133, entitled "Carjacking";

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

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

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

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

86 (d) Before an adolescent offender may be granted parole
87 under this subsection, she or he must have an initial

604-04842-10

2010184c2

88 eligibility interview to determine whether she or he has been
89 sufficiently rehabilitated while in the custody of the
90 department to justify granting parole. The initial eligibility
91 interview will occur in the eighth year of incarceration. In
92 order to determine if the adolescent offender has been
93 sufficiently rehabilitated, she or he must have successfully
94 completed the General Educational Development (GED) program,
95 unless waived based on disability, and have received no approved
96 disciplinary reports for a period of at least 2 years
97 immediately prior to the current eligibility interview. The
98 hearing examiner must also take into serious consideration the
99 wishes of the victim or the opinions of the victim's next of kin
100 and consider:

101 1. Whether the adolescent offender was a principal to the
102 criminal offense or an accomplice to the offense, a relatively
103 minor participant in the criminal offense, or acted under
104 extreme duress or domination of another person.

105 2. Whether the adolescent offender has shown remorse for
106 the criminal offense.

107 3. Whether the adolescent offender's age, maturity, and
108 psychological development at the time of the offense affected
109 her or his behavior.

110 4. Whether the adolescent offender, while in the custody of
111 the department, has aided inmates suffering from catastrophic or
112 terminal medical, mental, or physical conditions or has
113 prevented risk or injury to staff, citizens, or other inmates.

114 5. Whether the adolescent offender has successfully
115 completed educational, technical, or vocational programs and any
116 available self-rehabilitation programs.

604-04842-10

2010184c2

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

119 7. The results of any mental health assessment or
120 evaluation that has been performed on the adolescent offender.

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

125 (f) Within 240 days before the initial eligibility
126 interview and at each reinterview thereafter, the commission
127 shall review the adolescent offenders in the department's
128 custody to determine which offenders meet the criteria for
129 parole consideration under this section but have not obtained a
130 General Educational Development (GED) certificate. The
131 commission shall notify the department of any such inmate and
132 the department shall enroll the inmate in a GED program within a
133 reasonable time based upon program availability. The department
134 may remove the offender from the program if he or she:

135 1. Becomes a serious management or disciplinary problem
136 resulting from serious or repeat violations of departmental
137 rules;

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

141 3. Requires services, such as medical or mental health
142 treatment, which no longer allow him or her to participate in
143 the program.

144 (g) If the adolescent offender is granted parole, the
145 adolescent offender must participate in any available reentry

604-04842-10

2010184c2

146 program for 2 years. As used in this paragraph, the term
147 "reentry program" means a program that promotes effective
148 reintegration of adolescent offenders back into communities upon
149 release and provides one or more of the following: vocational
150 training, placement services, transitional housing, mentoring,
151 or drug rehabilitation. Priority shall be given to those reentry
152 programs that are residential, highly structured, self-reliant,
153 and therapeutic communities.

154 Section 3. An adolescent offender, as defined in s.
155 947.16(2) (a), Florida Statutes, as created by this act, who is
156 in her or his eighth or subsequent year of incarceration on the
157 effective date of this act must receive an initial eligibility
158 interview as provided in s. 947.16(2) (c), Florida Statutes, as
159 created by this act, if she or he is otherwise eligible.

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