

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

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

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

Section 2. 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 eligibility.—

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

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

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

(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

57 of or adjudicated delinquent 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(2), entitled "Cruelty to animals."
 80 2. During the commission of the current offense, committed
 81 an act of violence or threatened to commit an act of violence.
 82 (d) Before an adolescent offender may be granted parole
 83 under this subsection, she or he must have an initial
 84 eligibility interview to determine whether she or he has been

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

97 1. Whether the adolescent offender was a principal to the
98 criminal offense or an accomplice to the offense, a relatively
99 minor participant in the criminal offense, or acted under
100 extreme duress or domination of another person.

101 2. Whether the adolescent offender has shown remorse for
102 the criminal offense.

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

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

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

CS/HB 23

2010

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

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

117 (e) 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 (f) 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 (g) 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)(d), Florida Statutes, as
140 created by this act, if she or he is otherwise eligible.

CS/HB 23

2010

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