

By Senator Joyner

18-00001A-11

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1 A bill to be entitled
2 An act relating to parole for juvenile offenders;
3 providing a short title; amending s. 947.16, F.S.;
4 providing definitions; providing that a juvenile
5 offender who was less than 18 years of age at the time
6 of commission of a nonhomicide offense and who is
7 sentenced to life imprisonment is eligible for parole
8 if the offender has been incarcerated for a minimum
9 period; requiring an initial eligibility interview to
10 determine whether the juvenile offender has
11 demonstrated maturity and reform for parole; providing
12 criteria to determine maturity and reform; providing
13 eligibility for a reinterview after a specified period
14 for juvenile offenders denied parole; providing an
15 effective date.

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

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19 Section 1. This act may be cited as the "Graham Compliance
20 Act."

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

25 947.16 Eligibility for parole; initial parole interviews;
26 powers and duties of commission; juvenile offender eligibility.-

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

28 1. "Juvenile offender" means an offender who was less than
29 18 years of age at the time the nonhomicide offense was

18-00001A-11

2011160

30 committed.

31 2. "Nonhomicide offense" means an offense that did not
32 result in the death of a human being.

33 (b) Notwithstanding subsection (1) or any other provision
34 of law to the contrary, a juvenile offender who is sentenced to
35 life imprisonment for a nonhomicide offense may be eligible for
36 parole as provided in this subsection.

37 (c) Before a juvenile offender may be granted parole under
38 this subsection, she or he must have an initial eligibility
39 interview to determine whether she or he has demonstrated
40 maturity and reform while in the custody of the department to
41 justify granting parole. The initial eligibility interview must
42 occur only after the juvenile offender serves 25 years of
43 incarceration. The initial eligibility interview and any
44 subsequent eligibility interviews must occur only if the
45 juvenile offender has received no approved disciplinary reports
46 for at least 3 years before the scheduled eligibility interview.

47 (d) In determining whether the juvenile offender has
48 demonstrated maturity and reform and whether she or he should be
49 granted parole, the commission must consider all of the
50 following:

51 1. The wishes of the victim or the opinions of the victim's
52 next of kin.

53 2. Whether the juvenile offender was a relatively minor
54 participant in the criminal offense or acted under extreme
55 duress or domination of another person.

56 3. Whether the juvenile offender has shown sincere and
57 sustained remorse for the criminal offense.

58 4. Whether the juvenile offender's age, maturity, and

18-00001A-11

2011160__

59 psychological development at the time of the offense affected
60 her or his behavior.

61 5. Whether the juvenile 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 6. Whether the juvenile offender has successfully completed
66 any General Educational Development, other educational,
67 technical, work, vocational, or available self-rehabilitation
68 program.

69 7. Whether the juvenile offender was a victim of sexual,
70 physical, or emotional abuse prior to the time of the offense.

71 8. The results of any mental health assessment or
72 evaluation that has been performed on the juvenile offender.

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

77 Section 3. This act shall take effect upon becoming a law.