

By the Committee on Criminal Justice; and Senator Oelrich

591-03214-12

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1 A bill to be entitled

2 An act relating to juvenile offenders; providing a  
3 short title; providing definitions; providing that a  
4 juvenile offender who was younger than 18 years of age  
5 at the time of commission of a nonhomicide offense and  
6 who is sentenced to life imprisonment is eligible for  
7 resentencing if the offender has been incarcerated for  
8 a minimum period; requiring an initial resentencing  
9 hearing to determine whether the juvenile offender has  
10 demonstrated maturity and reform for resentencing;  
11 providing criteria to determine maturity and reform;  
12 requiring a minimum term of probation for any juvenile  
13 offender resentenced by the court; providing  
14 consequences for probation violations; providing  
15 eligibility for a subsequent resentencing hearing  
16 after a specified period for juvenile offenders denied  
17 resentencing; providing an effective date.

18  
19 Be It Enacted by the Legislature of the State of Florida:

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

23 Section 2. Juvenile offender resentencing.—

24 (1) As used in this section, the term:

25 (a) "Juvenile offender" means an offender who was younger  
26 than 18 years of age at the time the nonhomicide offense was  
27 committed.

28 (b) "Nonhomicide offense" means an offense that did not  
29 result in the death of a human being.

591-03214-12

2012212c1

30       (2) Notwithstanding any other law to the contrary, a  
31 juvenile offender who is sentenced to life imprisonment for a  
32 nonhomicide offense may be eligible for resentencing as provided  
33 in this section.

34       (3) Before a juvenile offender may be eligible for  
35 resentencing under this section, she or he must have served 25  
36 years of incarceration for the offense for which resentencing is  
37 sought. The initial resentencing hearing and any subsequent  
38 resentencing hearing may occur only if the juvenile offender has  
39 received no approved disciplinary reports for at least 3 years  
40 before the scheduled resentencing hearing.

41       (4) The Department of Corrections shall screen juvenile  
42 offenders committed to the department for their eligibility to  
43 participate in a resentencing hearing using the criteria in  
44 subsection (3). If a juvenile offender meets the eligibility  
45 requirements, the department shall request the court of original  
46 jurisdiction to hold a resentencing hearing for that juvenile.

47       (5) In determining whether a juvenile offender has  
48 demonstrated maturity and reform and whether she or he should be  
49 resentenced, the court conducting a resentencing hearing must  
50 consider all of the following:

51       (a) Whether the juvenile offender poses the same level of  
52 risk to society as at the time of initial sentencing.

53       (b) The wishes of the victim or the opinions of the  
54 victim's next of kin. The absence of the victim or victim's next  
55 of kin from the resentencing hearing may not be a factor in the  
56 court's determination under this section.

57       (c) Whether the juvenile offender was a relatively minor  
58 participant in the criminal offense or acted under extreme

591-03214-12

2012212c1

59 duress or domination of another person.

60 (d) Whether the juvenile offender has shown sincere and  
61 sustained remorse for the criminal offense.

62 (e) Whether the juvenile offender's age, maturity, and  
63 psychological development at the time of the offense affected  
64 her or his behavior.

65 (f) Whether the juvenile offender, while in the custody of  
66 the department, has aided inmates suffering from catastrophic or  
67 terminal medical, mental, or physical conditions or has  
68 prevented risk or injury to staff, citizens, or other inmates.

69 (g) Whether the juvenile offender has successfully  
70 completed any General Educational Development or other  
71 educational, technical, work, vocational, or self-rehabilitation  
72 program.

73 (h) Whether the juvenile offender was a victim of sexual,  
74 physical, or emotional abuse before she or he committed the  
75 offense.

76 (i) The results of any mental health assessment, risk  
77 assessment, or evaluation of the juvenile offender.

78 (j) The facts and circumstances of the offense for which  
79 the life sentence was imposed, including the severity of the  
80 offense.

81 (k) Any factor that the sentencing court may have taken  
82 into account at the initial sentencing hearing in relation to  
83 all other considerations listed in this section which may be  
84 relevant to the court's determination.

85 (6) If the court determines at the resentencing hearing  
86 that the juvenile offender can reasonably be believed to be fit  
87 to reenter society, the court must issue an order modifying the

591-03214-12

2012212c1

88 sentence imposed and placing the offender on probation for a  
89 term of at least 5 years. If the juvenile offender violates the  
90 conditions of her or his probation, the court may revoke  
91 probation and impose any sentence that it might have originally  
92 imposed and the juvenile offender is no longer eligible for a  
93 resentencing hearing pursuant to this section.

94 (7) A juvenile offender who is not resentenced under this  
95 section at the initial resentencing hearing is eligible for a  
96 resentencing hearing 7 years after the date of the denial and  
97 every 7 years thereafter.

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