

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)
ADOPTED AS AMENDED (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT (Y/N)
WITHDRAWN (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: Criminal Justice
2 Subcommittee
3 Representative Weinstein offered the following:
4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. This act may be cited as the "Graham Compliance
8 Act."

9 Section 2. Juvenile offender; eligibility.-

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

11 1. "Juvenile offender" means an offender who was less than
12 18 years of age at the time the nonhomicide offense was
13 committed.

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

16 (b) Notwithstanding any other provision of law to the
17 contrary, a juvenile offender who is sentenced to life
18 imprisonment for a nonhomicide offense may be eligible for
19 resentencing as provided in this subsection.

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20 (c) Before a juvenile offender may be eligible for
21 resentencing under this subsection, she or he must have served
22 25 years of incarceration for the offense for which resentencing
23 is sought. The initial resentencing hearing and any subsequent
24 resentencing hearing may occur only if the juvenile offender has
25 received no approved disciplinary reports for at least 3 years
26 before the scheduled resentencing hearing.

27 (d) The Department of Corrections shall screen juvenile
28 offenders committed to the department for eligibility criteria
29 in paragraph (c), to participate in a resentencing hearing. For
30 any juvenile offender who meets the eligibility requirements,
31 the department shall request the court of original jurisdiction
32 to hold a resentencing hearing.

33 (e) In determining whether the juvenile offender has
34 demonstrated maturity and reform and whether she or he should be
35 resentenced, the sentencing court must consider all of the
36 following:

37 1. Whether the juvenile offender remains at the same level
38 of risk to society as he or she had at the time of the initial
39 sentencing.

40 2. The wishes of the victim or the opinions of the
41 victim's next of kin. The absence of the victim or victim's next
42 of kin from the resentencing hearing shall not be a factor in
43 the court's determination under this section.

44 3. Whether the juvenile offender was a relatively minor
45 participant in the criminal offense or acted under extreme
46 duress or domination of another person.

47 4. Whether the juvenile offender has shown sincere and

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48 sustained remorse for the criminal offense.

49 5. Whether the juvenile offender's age, maturity, and
50 psychological development at the time of the offense affected
51 her or his behavior.

52 6. Whether the juvenile offender, while in the custody of
53 the department, has aided inmates suffering from catastrophic or
54 terminal medical, mental, or physical conditions or has
55 prevented risk or injury to staff, citizens, or other inmates.

56 7. Whether the juvenile offender has successfully
57 completed any General Educational Development or other
58 educational, technical, work, vocational, or self-rehabilitation
59 program.

60 8. Whether the juvenile offender was a victim of sexual,
61 physical, or emotional abuse before she or he committed the
62 offense.

63 9. The results of any mental health assessment, risk
64 assessment, or evaluation of the juvenile offender.

65 10. The facts and circumstances of the offense for which
66 the life sentence was imposed including the severity of the
67 offense.

68 11. Any factor which the sentencing court may have taken
69 into account at the initial sentencing hearing in relation to
70 all other considerations listed in the his section which may be
71 relevant to the court's determination.

72 (f) If the court determines at the resentencing hearing
73 that the juvenile offender can reasonably be believed to be fit
74 to reenter society, the court must issue an order modifying the
75 sentence imposed and placing the offender on probation for a

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76 term of at least 5 years. If the juvenile offender violates the
77 conditions of his or her probation, the court may revoke
78 probation and impose any sentence that it might have originally
79 imposed. After which, the juvenile offender is no longer
80 eligible for resentencing hearings pursuant to this section.

81 (g) A juvenile offender who is not resented under this
82 section at the initial resentencing hearing is eligible for a
83 resentencing hearing 7 years after the date of the denial and
84 every 7 years thereafter.

85 Section 3. This act shall take effect upon becoming a law.
86
87

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89 **T I T L E A M E N D M E N T**

90 Remove the entire title and insert:

91 An act relating to juvenile offenders; providing a short title;
92 providing definitions; providing that a juvenile offender who
93 was less than 18 years of age at the time of commission of a
94 nonhomicide offense and who is sentenced to life imprisonment is
95 eligible for resentencing if the offender has been incarcerated
96 for a minimum period; requiring an initial resentencing hearing
97 to determine whether the juvenile offender has demonstrated
98 maturity and reform for resentencing; providing criteria to
99 determine maturity and reform; requiring a term of at least 5
100 years probation for any juvenile offender resented by the
101 court; providing eligibility for a subsequent resentencing
102 hearing after a specified period for juvenile offenders denied
103 resentencing; providing an effective date.

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