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2012

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

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29 18 years of age at the time the nonhomicide offense was
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 may
42 occur only after the juvenile offender has served 25 years of
43 incarceration for the offense for which parole is sought. The
44 initial eligibility interview and any subsequent eligibility
45 interviews may occur only if the juvenile offender has received
46 no approved disciplinary reports for at least 3 years before the
47 scheduled eligibility interview.

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

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

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

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

59 4. Whether the juvenile offender's age, maturity, and
60 psychological development at the time of the offense affected
61 her or his behavior.

62 5. Whether the juvenile offender, while in the custody of
63 the department, has aided inmates suffering from catastrophic or
64 terminal medical, mental, or physical conditions or has
65 prevented risk or injury to staff, citizens, or other inmates.

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

70 7. Whether the juvenile offender was a victim of sexual,
71 physical, or emotional abuse before she or he committed the
72 offense.

73 8. The results of any mental health assessment or
74 evaluation of the juvenile offender.

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

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