

1 A bill to be entitled
 2 An act relating to reducing or suspending the sentence
 3 of a juvenile offender; providing a short title;
 4 creating s. 921.167, F.S.; defining terms; providing
 5 that a juvenile offender who was 17 years of age or
 6 younger at the time of committing one or more
 7 nonhomicide offenses and who was sentenced to 10 or
 8 more years of imprisonment may be eligible for a
 9 reduced or suspended sentence; providing that the
 10 juvenile offender may petition the court after a
 11 specified age for a hearing to reduce or suspend the
 12 sentence; setting forth the eligibility criteria to
 13 reduce or suspend a sentence; authorizing the juvenile
 14 offender to petition for subsequent sentencing
 15 hearings if the court does not reduce or suspend the
 16 juvenile offender's sentence; providing an effective
 17 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 "Second Chance for
 22 Children Act."

23 Section 2. Section 921.167, Florida Statutes, is created
 24 to read:

25 921.167 Juvenile offender reduction or suspension of
 26 sentence.-

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

28 (a) "Department" means the Department of Corrections.

29 (b) "Juvenile offender" means an offender who was
30 sentenced to a single or cumulative term of imprisonment of 10
31 or more years for one or more nonhomicide offenses committed
32 while he or she was 17 years of age or younger.

33 (c) "Nonhomicide offense" means an offense that did not
34 result in the death of a human being.

35 (d) "Reentry program" means a program that promotes
36 effective reintegration of an offender back into the community
37 upon release and provides one or more of the following
38 activities:

- 39 1. Vocational training;
- 40 2. Placement services;
- 41 3. Transitional housing;
- 42 4. Mentoring; or
- 43 5. Drug rehabilitation.

44 (2) Notwithstanding any other law, a juvenile offender may
45 be eligible for a reduced or suspended sentence under this
46 section.

47 (a) A juvenile offender must have a sentencing hearing to
48 determine whether she or he has been sufficiently rehabilitated
49 while in the custody of the department before he or she can be
50 eligible for a reduced or suspended sentence under this section.

51 (b) Upon reaching 25 years of age, a juvenile offender may
52 petition the court to reduce or suspend his or her sentence. The
53 petition shall be filed in the court that initially sentenced
54 the juvenile offender. In order to be eligible for a reduced or
55 suspended sentence, the petition must allege that the juvenile
56 offender has:

57 1. Successfully completed the general education
58 development (GED) program, if he or she does not have a high
59 school diploma, unless this requirement has been waived because
60 of the juvenile offender's disability as shown by the juvenile
61 offender's previous individual education plan , 504
62 accommodation plan under s. 504 of the federal Rehabilitation
63 Act of 1973, or by a psychological evaluation; and

64 2. Not received any disciplinary reports issued by the
65 department for a period of at least 3 years immediately before
66 filing the petition.

67 (c) The court shall schedule a sentencing hearing within
68 90 days after the filing of the petition to determine whether
69 the juvenile offender's sentence should be reduced or suspended.
70 When determining whether the juvenile offender has been
71 sufficiently rehabilitated, the court shall consider:

72 1. The juvenile offender's age, maturity, and
73 psychological development at the time of the offense or
74 offenses.

75 2. Any physical, sexual, or emotional abuse of the
76 juvenile offender before the commission of the offense or
77 offenses.

78 3. Any showing of insufficient adult support or
79 supervision of the juvenile offender before the offense or
80 offenses.

81 4. Whether the juvenile offender was a principal or an
82 accomplice, was a relatively minor participant, or acted under
83 extreme duress or domination by another person.

84 5. The wishes of the victim or the opinions of the

85 victim's next of kin.

86 6. The results of any available psychological evaluation
87 administered by a mental health professional as ordered by the
88 court before the sentencing hearing.

89 7. Any showing of sincere and sustained remorse by the
90 juvenile offender for the offense or offenses.

91 8. The juvenile offender's behavior while in the custody
92 of the department including disciplinary reports.

93 9. Whether the juvenile offender has successfully
94 completed or participated in educational, technical, or
95 vocational programs and any available self-rehabilitation
96 programs while in the custody of the department.

97 10. Any showing by the juvenile offender of a post-release
98 plan including, but not limited to, contacts made with
99 transitional organizations, faith- and character-based
100 organizations, or other reentry service programs.

101 11. Any other factor relevant to the juvenile offender's
102 rehabilitation while in the custody of the department.

103 (3) A juvenile offender whose sentence is not reduced or
104 suspended under this section may petition the court for a
105 subsequent sentencing hearing 7 years after the date of the
106 previous sentencing hearing and every 7 years thereafter.

107 (4) If the court determines that the petitioner's sentence
108 should be reduced or suspended under this section, the juvenile
109 offender shall participate in any available reentry program for
110 2 years upon release.

111 (5) The court may appoint an attorney to represent the
112 juvenile offender at the sentencing hearing.

HB 635

2012

113

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