



964090

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
11/03/2011	.	
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The Committee on Criminal Justice (Smith) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. This act may be cited as the "Second Chance for Children Act."

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

921.167 Juvenile offender reduction or suspension of sentence.—

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

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



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13 (b) "Juvenile offender" means an offender who was sentenced
14 to a single or cumulative term of imprisonment of 10 or more
15 years for one or more offenses committed while he or she was 17
16 years of age or younger.

17 (c) "Reentry program" means a program that promotes
18 effective reintegration of an offender back into the community
19 upon release and provides one or more of the following
20 activities:

- 21 1. Vocational training;
- 22 2. Placement services;
- 23 3. Transitional housing;
- 24 4. Mentoring; or
- 25 5. Drug rehabilitation.

26 (2) Notwithstanding any other law, a juvenile offender may
27 be eligible for a reduced or suspended sentence under this
28 section.

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

33 (b) Upon reaching 25 years of age, a juvenile offender may
34 petition the court to reduce or suspend his or her sentence. The
35 petition shall be filed in the court that initially sentenced
36 the juvenile offender. In order to be eligible for a reduced or
37 suspended sentence, the petition must allege that the juvenile
38 offender has:

- 39 1. Successfully completed the general education development
40 (GED) program, if he or she does not have a high school diploma,
41 unless this requirement has been waived because of the juvenile



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42 offender's disability as shown by the juvenile offender's
43 previous individual education plan , 504 accommodation plan
44 under s. 504 of the federal Rehabilitation Act of 1973, or by a
45 psychological evaluation; and

46 2. Not received any disciplinary reports issued by the
47 department for a period of at least 3 years immediately before
48 filing the petition.

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

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

56 2. Any physical, sexual, or emotional abuse of the juvenile
57 offender before the commission of the offense or offenses.

58 3. Any showing of insufficient adult support or supervision
59 of the juvenile offender before the offense or offenses.

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

63 5. The wishes of the victim or the opinions of the victim's
64 next of kin.

65 6. The results of any available psychological evaluation
66 administered by a mental health professional as ordered by the
67 court before the sentencing hearing.

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

70 8. The juvenile offender's behavior while in the custody of



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71 the department including disciplinary reports.

72 9. Whether the juvenile offender has successfully completed
73 or participated in educational, technical, or vocational
74 programs and any available self-rehabilitation programs while in
75 the custody of the department.

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

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

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

86 (4) If the court determines that the petitioner's sentence
87 should be reduced or suspended under this section, the juvenile
88 offender shall participate in any available reentry program for
89 2 years upon release.

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

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

93
94 ===== T I T L E A M E N D M E N T =====

95 And the title is amended as follows:

96 Delete everything before the enacting clause
97 and insert:

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99 A bill to be entitled



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100 An act relating to reducing or suspending the sentence
101 of a juvenile offender; providing a short title;
102 creating s. 921.167, F.S.; defining terms; providing
103 that a juvenile offender who was 17 years of age or
104 younger at the time of commission of an offense and
105 who was sentenced to 10 or more years of imprisonment
106 may be eligible for a reduced or suspended sentence;
107 providing that the juvenile offender may petition the
108 court after a specified age for a hearing to reduce or
109 suspend the sentence; setting forth the eligibility
110 criteria to reduce or suspend a sentence; authorizing
111 the juvenile offender to petition for subsequent
112 sentencing hearings if the court does not reduce or
113 suspend the juvenile offender's sentence; providing an
114 effective date.