

By Senator Joyner

18-00038-12

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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.

16  
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  
29 18 years of age at the time the nonhomicide offense was

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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 victim's  
53 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.

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

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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 completed  
67 any General Educational Development or other educational,  
68 technical, work, vocational, or self-rehabilitation program.

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

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

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

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