

By the Committee on Criminal Justice; and Senator Joyner

591-00854-12

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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.

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19 Be It Enacted by the Legislature of the State of Florida:

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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 to
24 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 sentenced

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30 to a single or cumulative term of imprisonment of 10 or more
31 years for one or more nonhomicide offenses committed while he or
32 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 development
58 (GED) program, if he or she does not have a high school diploma,

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59 unless this requirement has been waived because of the juvenile
60 offender's disability as shown by the juvenile offender's
61 previous individual education plan , 504 accommodation plan
62 under s. 504 of the federal Rehabilitation Act of 1973, or by a
63 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 90
68 days after the filing of the petition to determine whether the
69 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 psychological
73 development at the time of the offense or offenses.

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

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

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

81 5. The wishes of the victim or the opinions of the victim's
82 next of kin.

83 6. The results of any available psychological evaluation
84 administered by a mental health professional as ordered by the
85 court before the sentencing hearing.

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

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

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

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

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

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

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

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

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