

By Senator Joyner

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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           defining terms; providing that a juvenile offender who  
5           was 17 years of age or younger at the time of  
6           committing a nonhomicide offense and who was sentenced  
7           to 10 or more years of imprisonment may be eligible  
8           for a reduced or suspended sentence; setting forth the  
9           eligibility criteria for the court to reduce or  
10          suspend a sentence; authorizing the juvenile offender  
11          to petition for subsequent sentencing hearings if the  
12          court does not reduce or suspend the juvenile  
13          offender's sentence; requiring that the juvenile  
14          offender participate in any available reentry program  
15          for a specified period following release; authorizing  
16          the court to appoint an attorney to represent the  
17          juvenile offender; providing an effective date.

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

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21           Section 1. (1) This section may be cited as the "Second  
22 Chance for Children Act."

23           (2) As used in this section, the term:

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

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

29           (c) "Nonhomicide offense" means an offense that did not

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30 result in the death of a human being.

31 (d) "Reentry program" means a program that promotes  
32 effective reintegration of a juvenile offender back into the  
33 community upon release and provides one or more of the following  
34 activities:

- 35 1. Vocational training;
- 36 2. Placement services;
- 37 3. Transitional housing;
- 38 4. Mentoring; or
- 39 5. Drug rehabilitation.

40 (3) Notwithstanding any other law, a juvenile offender may  
41 petition the court pursuant to this section to reduce or suspend  
42 the sentence for a nonhomicide offense. The petition shall be  
43 filed in the court that initially sentenced the juvenile  
44 offender.

45 (4) (a) A juvenile offender may petition the court to reduce  
46 or suspend a sentence that was imposed:

- 47 1. For a nonhomicide offense after the juvenile offender  
48 has served at least 5 years of the sentence.
- 49 2. For committing or attempting to commit the offense of  
50 sexual battery after the juvenile offender has served at least  
51 20 years of the imposed sentence.

52 (b) In order to be eligible for a reduced or suspended  
53 sentence, the petition must allege that the juvenile offender  
54 has:

- 55 1. Successfully completed the general education development  
56 (GED) program if he or she does not have a high school diploma,  
57 unless this requirement has been waived because of the juvenile  
58 offender's disability as shown by the juvenile offender's

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59 previous individual education plan, section 504 accommodation  
60 plan under s. 504 of the federal Rehabilitation Act of 1973, or  
61 a psychological evaluation; and

62 2. Not received any disciplinary report issued by the  
63 department for a period of at least 3 years immediately before  
64 filing the petition.

65 (c) The court shall schedule a sentencing hearing within 90  
66 days after the petition is filed in order to determine whether  
67 the juvenile offender has been sufficiently rehabilitated so as  
68 to reduce or suspend the sentence. When determining whether the  
69 juvenile offender has been sufficiently rehabilitated, the court  
70 shall consider:

71 1. The juvenile offender's age, maturity, and psychological  
72 development at the time of the offense.

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

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

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

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

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

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

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

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88 the department, including disciplinary reports.

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

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

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

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

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

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

109 Section 2. This act shall take effect October 1, 2013.