



813126

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
04/25/2013	.	
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The Committee on Appropriations (Joyner) recommended the following:

Senate Amendment (with title amendment)

Between lines 57 and 58
insert:

(c)1. A person who is sentenced under paragraph (b) shall have his or her sentence reviewed after 25 years of incarceration. The sentencing court shall retain original jurisdiction for the duration of the sentence for this purpose. The Department of Corrections shall notify each juvenile offender who is committed to the department of her or his eligibility to participate in a resentencing hearing within 18



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13 months after 24 years of incarceration. The juvenile offender
14 may apply to the court of original jurisdiction requesting that
15 a resentencing hearing be held.

16 2. A juvenile offender is entitled to be represented by
17 counsel, and the court shall appoint a public defender to
18 represent the juvenile offender if the juvenile cannot afford an
19 attorney.

20 3. The court shall hold a resentencing hearing to determine
21 whether the juvenile offender's sentence should be modified. The
22 resentencing court shall consider all of the following factors:

23 a. Whether the juvenile offender demonstrates maturity and
24 rehabilitation.

25 b. Whether the juvenile offender remains at the same level
26 of risk to society as he or she was at the time of the initial
27 sentencing.

28 c. The opinion of the victim's next of kin. The absence of
29 the victim's next of kin from the resentencing hearing is not a
30 factor in the court's determination under this section.

31 d. Whether the juvenile offender was a relatively minor
32 participant in the criminal offense or acted under extreme
33 duress or the domination of another person.

34 e. Whether the juvenile has shown sincere and sustained
35 remorse for the criminal offense.

36 f. Whether the juvenile offender's age, maturity, and
37 psychological development at the time of the offense affected
38 his or her behavior.

39 g. Whether the juvenile offender has successfully obtained
40 a general educational development [GED] certificate or completed
41 any other educational, technical, work, vocational, or self-



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42 rehabilitation program.

43 h. Whether the juvenile offender was a victim of sexual,
44 physical, or emotional abuse before he or she committed the
45 offense.

46 i. The results of any mental health assessment, risk
47 assessment, or evaluation of the juvenile offender as they apply
48 to rehabilitation.

49 4. If the court determines at the resentencing hearing that
50 the juvenile offender has been rehabilitated and is reasonably
51 believed to be fit to reenter society based on these factors, a
52 term of probation of at least 5 years, shall be imposed. If the
53 court determines that the juvenile offender has not demonstrated
54 rehabilitation and is not fit to reenter society based on these
55 factors, the court shall issue an order in writing stating why
56 the sentence is not being modified.

57 5. A juvenile offender who is not resentenced under this
58 paragraph at the initial resentencing is eligible for up to
59 three more sentencing reviews. A minimum of 5 years must pass
60 before the individual is eligible for the sentencing review. A
61 juvenile sentenced to a term of years less than life may not
62 petition the court for a review of her or his sentence if she or
63 he is in the last 7 years of her or his sentence.

64 (d) This subsection shall apply retroactively.

65 ===== T I T L E A M E N D M E N T =====

66 And the title is amended as follows:

67 Delete line 7

68 and insert:

69 imprisonment is an appropriate sentence; providing
70 that certain persons for whom a life sentence is



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71 appropriate may have the sentence reviewed after 24
72 years of incarceration; specifying that the juvenile
73 offender is entitled to be represented by counsel;
74 requiring the court to consider certain specified
75 factors before resentencing the juvenile offender;
76 requiring at least 5 years of probation if released
77 into the community; providing that an offender is
78 eligible for up to three sentencing reviews; requiring
79 that a minimum of 5 years must pass before the
80 offender is eligible for the sentencing review;
81 providing for retroactive application; providing an