

By Senator Soto

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1 A bill to be entitled
2 An act relating to juvenile offenders; providing a
3 short title; creating s. 985.4555, F.S.; providing
4 definitions; providing that a juvenile offender who
5 was younger than 18 years of age at the time of the
6 commission of a nonhomicide or homicide offense and
7 who is sentenced to life imprisonment is eligible for
8 resentencing if the offender has been incarcerated for
9 a minimum period; requiring that the Department of
10 Corrections conduct a screening to determine whether a
11 juvenile offender is eligible for a resentencing
12 hearing; providing that a juvenile offender is
13 entitled to legal representation for a resentencing
14 hearing; requiring the court to appoint a public
15 defender to represent the juvenile if the juvenile
16 cannot afford to pay for counsel; providing criteria
17 for the judge to determine maturity and reform;
18 requiring a minimum term of probation for a juvenile
19 offender resentenced by the court; providing
20 eligibility for a subsequent resentencing hearing
21 after a specified period for a juvenile offender
22 denied resentencing; providing an effective date.

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

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26 Section 1. This act may be cited as the "Juvenile
27 Sentencing Review Act."

28 Section 2. Section 985.4555, Florida Statutes, is created
29 to read:

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30 985.4555 Juvenile sentencing review.—

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

32 (a) "Homicide offense" means an offense that resulted in
33 the death of a human being.

34 (b) "Juvenile offender" means an offender who was younger
35 than 18 years of age at the time the offense was committed.

36 (c) "Nonhomicide offense" means an offense that did not
37 result in the death of a human being.

38 (2) Notwithstanding any law to the contrary, a juvenile
39 offender who is sentenced to life imprisonment for a nonhomicide
40 or homicide offense is eligible for resentencing as provided in
41 this section after serving the following:

42 (a) For nonhomicide offenses, 15 years.

43 (b) For homicide offenses pursuant to chapter 782, sexual
44 offenses pursuant to chapter 794, and attempted murder offenses
45 pursuant to chapter 777, 25 years.

46 (3) The Department of Corrections shall screen juvenile
47 offenders who are committed to the department for eligibility to
48 participate in a resentencing hearing and shall notify the
49 juvenile offender of his or her eligibility to apply. If a
50 juvenile offender meets the eligibility requirements, the
51 juvenile offender may request the court of original jurisdiction
52 to hold a resentencing hearing.

53 (4) A juvenile offender is entitled to be represented by
54 counsel, and the court shall appoint a public defender to
55 represent the juvenile offender if the juvenile offender cannot
56 afford an attorney.

57 (5) The court shall determine whether the juvenile offender
58 has demonstrated maturity and reform and whether she or he

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59 should be resentenced. The sentencing court may consider all of
60 the following:

61 (a) Whether the juvenile offender remains at the same level
62 of risk to society as he or she did at the time of the initial
63 sentencing.

64 (b) The wishes of the victim or the opinions of the
65 victim's next of kin. The absence of the victim or victim's next
66 of kin from the resentencing hearing may not be a factor in the
67 court's determination under this section.

68 (c) Whether the juvenile offender was a relatively minor
69 participant in the criminal offense or acted under extreme
70 duress or the domination of another person.

71 (d) Whether the juvenile offender has shown sincere and
72 sustained remorse for the criminal offense.

73 (e) Whether the juvenile offender's age, maturity, and
74 psychological development at the time of the offense affected
75 her or his behavior.

76 (f) Whether the juvenile offender has successfully
77 completed a General Educational Development or other
78 educational, technical, work, vocational, or self-rehabilitation
79 program.

80 (g) Whether the juvenile offender was a victim of sexual,
81 physical, or emotional abuse before she or he committed the
82 offense.

83 (h) The results of a mental health assessment, risk
84 assessment, or evaluation of the juvenile offender as to
85 rehabilitation.

86 (6) If the court determines at the resentencing hearing
87 that the juvenile offender has been rehabilitated and is

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88 reasonably believed to be fit to reenter society, the court
89 shall issue an order modifying the sentence imposed and place
90 the offender on probation for a term of at least 5 years.

91 (7) A juvenile offender who is not resentenced under this
92 section at the initial resentencing hearing is eligible for a
93 resentencing hearing 5 years after the date of the denial and
94 every 5 years thereafter.

95 Section 3. This act shall take effect July 1, 2013.