

By Senator Soto

14-00037-14

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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.

23  
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:

14-00037-14

201478\_\_

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

14-00037-14

201478\_\_

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

14-00037-14

201478\_\_

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, 2014.