

By Senator Bracy

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1 A bill to be entitled
2 An act relating to youthful offenders; creating s.
3 944.805, F.S.; requiring the Department of Corrections
4 to submit an annual report to the Legislature by a
5 specified date which contains specified information
6 regarding prisoners of certain ages who are in the
7 custody of the department; defining the term "state
8 correctional facility"; amending s. 958.04, F.S.;
9 revising the criteria allowing a court to sentence as
10 a youthful offender a person who is found guilty of,
11 or who pled nolo contendere or guilty to, committing a
12 felony before the person turned 21 years of age;
13 reenacting ss. 958.03(5), 958.045(8)(a), and
14 985.565(4)(c), F.S., relating to the definition of
15 "youthful offender," the youthful offender basic
16 training program, and classification as a youth
17 offender, respectively, to incorporate the amendment
18 made to s. 958.04, F.S., in references thereto;
19 providing an effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. Section 944.805, Florida Statutes, is created to
24 read:

25 944.805 Youthful offenders; annual report.-

26 (1) For the purpose of providing information to the
27 Legislature on youthful offenders who are 18 to 22 years of age
28 and within the correctional system, the department shall submit
29 a report to the President of the Senate and the Speaker of the

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30 House of Representatives by December 31 of each year. The report
31 must provide all of the following information regarding
32 prisoners in the custody of the department who are 18 to 22
33 years of age:

34 (a) The number of prisoners who are in the custody of the
35 department and the security classification at which each of
36 these prisoners is housed.

37 (b) The number of prisoners housed at each state
38 correctional facility.

39 (c) The number, if any, of prisoners who have been moved
40 from one state correctional facility to another in a manner that
41 interrupted the prisoner's educational, vocational, treatment,
42 or other self-betterment programming.

43 (d) The number of prisoners who have completed educational,
44 vocational, treatment, or any other self-betterment programming
45 and what specific programming was completed by the prisoners.

46 (2) As used in this section, the term "state correctional
47 facility" has the same meaning as defined in s. 944.115(2)(c).

48 Section 2. Subsection (1) of section 958.04, Florida
49 Statutes, is amended to read:

50 958.04 Judicial disposition of youthful offenders.—

51 (1) The court may sentence as a youthful offender any
52 person:

53 (a) Who is at least 18 years of age or who has been
54 transferred for prosecution to the criminal division of the
55 circuit court pursuant to chapter 985;

56 (b) Who is found guilty of or who has tendered, and the
57 court has accepted, a plea of nolo contendere or guilty to a
58 crime that is, under the laws of this state, a felony if such

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59 crime was committed before the defendant turned 21 years of age
60 ~~the offender is younger than 21 years of age at the time~~
61 ~~sentence is imposed; and~~

62 (c) Who has not previously been classified as a youthful
63 offender under the provisions of this act; however, a person who
64 has been found guilty of a capital or life felony may not be
65 sentenced as a youthful offender under this act.

66 Section 3. For the purpose of incorporating the amendment
67 made by this act to section 958.04, Florida Statutes, in a
68 reference thereto, subsection (5) of section 958.03, Florida
69 Statutes, is reenacted to read:

70 958.03 Definitions.—As used in this act:

71 (5) "Youthful offender" means any person who is sentenced
72 as such by the court or is classified as such by the department
73 pursuant to s. 958.04.

74 Section 4. For the purpose of incorporating the amendment
75 made by this act to section 958.04, Florida Statutes, in a
76 reference thereto, paragraph (a) of subsection (8) of section
77 958.045, Florida Statutes, is reenacted to read:

78 958.045 Youthful offender basic training program.—

79 (8)(a) The Assistant Secretary for Youthful Offenders shall
80 continuously screen all institutions, facilities, and programs
81 for any inmate who meets the eligibility requirements for
82 youthful offender designation specified in s. 958.04, whose age
83 does not exceed 24 years. The department may classify and assign
84 as a youthful offender any inmate who meets the criteria of s.
85 958.04.

86 Section 5. For the purpose of incorporating the amendment
87 made by this act to section 958.04, Florida Statutes, in a

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88 reference thereto, paragraph (c) of subsection (4) of section
89 985.565, Florida Statutes, is reenacted to read:

90 985.565 Sentencing powers; procedures; alternatives for
91 juveniles prosecuted as adults.—

92 (4) SENTENCING ALTERNATIVES.—

93 (c) *Adult sanctions upon failure of juvenile sanctions.*—If
94 a child proves not to be suitable to a commitment program,
95 juvenile probation program, or treatment program under paragraph
96 (b), the department shall provide the sentencing court with a
97 written report outlining the basis for its objections to the
98 juvenile sanction and shall simultaneously provide a copy of the
99 report to the state attorney and the defense counsel. The
100 department shall schedule a hearing within 30 days. Upon
101 hearing, the court may revoke the previous adjudication, impose
102 an adjudication of guilt, and impose any sentence which it may
103 lawfully impose, giving credit for all time spent by the child
104 in the department. The court may also classify the child as a
105 youthful offender under s. 958.04, if appropriate. For purposes
106 of this paragraph, a child may be found not suitable to a
107 commitment program, community control program, or treatment
108 program under paragraph (b) if the child commits a new violation
109 of law while under juvenile sanctions, if the child commits any
110 other violation of the conditions of juvenile sanctions, or if
111 the child's actions are otherwise determined by the court to
112 demonstrate a failure of juvenile sanctions.

113
114 It is the intent of the Legislature that the criteria and
115 guidelines in this subsection are mandatory and that a
116 determination of disposition under this subsection is subject to

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117 the right of the child to appellate review under s. 985.534.

118 Section 6. This act shall take effect October 1, 2018.