

HB 23

2010

By Weinstein (Co-Sponsors) Bullard

1 A bill to be entitled
 2 An act relating to parole for adolescent offenders;
 3 providing a short title; amending s. 947.16, F.S.;
 4 providing definitions; providing that an adolescent
 5 offender who was 15 years of age or younger at the time of
 6 commission of an offense and who is sentenced to life or a
 7 single or cumulative term of 10 years or more in prison is
 8 eligible for parole if the offender has been incarcerated
 9 for a minimum period and has not previously been convicted
 10 of or adjudicated delinquent for certain offenses;
 11 requiring an initial eligibility interview to determine
 12 whether the adolescent offender has been sufficiently
 13 rehabilitated for parole; providing criteria to determine
 14 sufficient rehabilitation; providing eligibility for a
 15 reinterview after a specified period for adolescent
 16 offenders denied parole; providing that the adolescent
 17 offender be incarcerated in a facility that has a GED
 18 program; providing that if the adolescent offender is
 19 granted parole, the adolescent offender must participate
 20 in any available reentry program for 2 years; defining the
 21 term "reentry program"; providing priority for certain
 22 programs; providing for eligibility for an initial
 23 eligibility interview for offenders in their eighth or
 24 subsequent year of incarceration on the effective date of
 25 the act; providing for retroactive application; providing
 26 an effective date.

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

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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Section 1. This act may be cited as the "Second Chance for Children in Prison Act."

Section 2. Subsections (2) through (6) of section 947.16, Florida Statutes, are renumbered as subsections (3) through (7), respectively, and a new subsection (2) is added to that section to read:

947.16 Eligibility for parole; initial parole interviews; powers and duties of commission; adolescent offender eligibility.--

(2) (a) As used in this subsection, the term:

1. "Adolescent offender" means an offender who was 15 years of age or younger at the time the criminal act was committed and was sentenced to life or to a single or cumulative term of imprisonment of 10 years or more.

2. "Current offense" means the offense for which the adolescent offender is being considered for parole and any other crimes committed by the adolescent offender within a 1-month period of that offense, or for which sentences run concurrent to that offense.

(b) Notwithstanding the provisions of subsection (1) or of any other law to the contrary, an adolescent offender may be eligible for parole as provided in this subsection. An adolescent offender is ineligible under this subsection if she or he, before conviction of the current offense, was convicted of or adjudicated delinquent for any violation of:

1. Section 782.04, entitled "Murder";

2. Section 784.041, entitled "Felony battery; domestic

57 battery by strangulation";
 58 3. Section 784.045, entitled "Aggravated battery";
 59 4. Section 784.07, entitled "Assault or battery of law
 60 enforcement officers, firefighters, emergency medical care
 61 providers, public transit employees or agents, or other
 62 specified officers; reclassification of offenses; minimum
 63 sentences";
 64 5. Section 784.08, entitled "Assault or battery on persons
 65 65 years of age or older; reclassification of offenses; minimum
 66 sentence";
 67 6. Section 787.01, entitled "Kidnapping; kidnapping of
 68 child under age 13, aggravating circumstances";
 69 7. Section 790.07, entitled "Persons engaged in criminal
 70 offense, having weapons";
 71 8. Section 794.011, entitled "Sexual battery";
 72 9. Section 812.133, entitled "Carjacking";
 73 10. Section 812.135, entitled "Home-invasion robbery";
 74 11. Section 827.03, entitled "Abuse, aggravated abuse, and
 75 neglect of a child; penalties"; or
 76 12. Section 828.12(2), entitled "Cruelty to animals."
 77 (c) Before an adolescent offender may be granted parole
 78 under this subsection, she or he must have an initial
 79 eligibility interview to determine whether she or he has been
 80 sufficiently rehabilitated while in the custody of the
 81 department to justify granting parole. The initial eligibility
 82 interview will occur in the eighth year of incarceration. In
 83 order to determine if the adolescent offender has been
 84 sufficiently rehabilitated, she or he must have successfully

85 completed the General Educational Development (GED) program
86 unless waived based on disability and have received no approved
87 disciplinary reports for a period of at least 2 years
88 immediately prior to the current eligibility interview. The
89 hearing examiner must also take into serious consideration the
90 wishes of the victim or the opinions of the victim's next of kin
91 and consider whether:

92 1. The adolescent offender was a principal to the criminal
93 offense or an accomplice to the offense, a relatively minor
94 participant in the criminal offense, or acted under extreme
95 duress or domination of another person.

96 2. The adolescent offender has shown remorse for the
97 criminal offense.

98 3. The adolescent offender's age, maturity, and
99 psychological development at the time of the offense affected
100 her or his behavior.

101 4. The adolescent offender, while in the custody of the
102 department, has aided inmates suffering from catastrophic or
103 terminal medical, mental, or physical conditions or has
104 prevented risk or injury to staff, citizens, or other inmates.

105 5. The adolescent offender has successfully completed
106 educational and self-rehabilitation programs.

107 6. The adolescent offender was a victim of sexual,
108 physical, or emotional abuse.

109 (d) An adolescent offender who is not granted parole under
110 this subsection after an initial eligibility interview shall be
111 eligible for a reinterview 2 years after the date of the denial
112 of the grant of parole and every 2 years thereafter.

113 (e) An adolescent offender must serve her or his sentence
114 in a facility that has a General Educational Development (GED)
115 program unless the adolescent offender has already successfully
116 completed a GED program.

117 (f) If the adolescent offender is granted parole, the
118 adolescent offender must participate in any available reentry
119 program for 2 years. As used in this paragraph, the term
120 "reentry program" means a program that promotes effective
121 reintegration of adolescent offenders back into communities upon
122 release and provides one or more of the following: vocational
123 training, placement services, transitional housing, mentoring,
124 or drug rehabilitation. Priority shall be given to those reentry
125 programs that are residential, highly structured, self-reliant,
126 and therapeutic communities.

127 Section 3. An adolescent offender, as defined in s.
128 947.16(2) (a), Florida Statutes, as created by this act, who is
129 in her or his eighth or subsequent year of incarceration on the
130 effective date of this act must receive an initial eligibility
131 interview as provided in s. 947.16(2) (c), Florida Statutes, as
132 created by this act, if she or he is otherwise eligible.

133 Section 4. This act shall take effect upon becoming a law,
134 and applies with respect to offenses committed before, on, or
135 after that date.