

Committee on Criminal Justice

CS/HB 7035 — Juvenile Sentencing

by Judiciary Committee; Criminal Justice Subcommittee; and Rep. Grant and others (CS/SB 384 by Appropriations Committee and Senator Bradley)

The bill conforms Florida law to recent United States Supreme Court decisions involving the sentencing of juvenile offenders. The bill provides that any offender who is convicted of murder that was committed before he or she was 18 years old may be sentenced to life imprisonment only after a mandatory hearing at which the judge considers certain factors relative to the offender's age and attendant circumstances. For capital offenses, the judge must impose a minimum sentence of at least 40 years if the juvenile offender actually killed, intended to kill, or attempted to kill the victim.

The bill also provides for a judicial hearing to review the sentences of these juvenile offenders. A juvenile offender who is convicted of capital murder is entitled to a sentencing review after 25 years if he or she actually killed, intended to kill, or attempted to kill the victim, except when the offender has a prior conviction for an enumerated violent crime. A juvenile offender who is a capital murderer but who did not actually kill, intend to kill, or attempt to kill the victim is entitled to a sentencing review after 15 years.

A juvenile offender who is convicted of murder that is a life felony or a first degree felony punishable by life imprisonment is also entitled to a sentencing review after 25 years if he or she actually killed, intended to kill, or attempted to kill a victim. If the offender did not actually kill, intend to kill, or attempt to kill the victim, then he or she is entitled to a sentencing review after 15 years.

A juvenile offender who is sentenced to more than 20 years for a non-homicide offense is entitled to a sentence review hearing after 20 years and is entitled to another hearing after 30 years if not released sooner.

If the court that conducts any sentence review hearing determines that the offender has been rehabilitated and is fit to reenter society, the offender must be released with a modified sentence that requires serving a minimum term of 5 years of probation. Otherwise, the court must enter a written order stating the reasons for not modifying the sentence.

If approved by the Governor, these provisions take effect July 1, 2014.

Vote: Senate 36-0; House 115-0