

HB 757

2009

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 a child 15 years of age
5 or younger who is sentenced to life or more than 10 years in
6 prison is eligible for parole if the offender has been
7 incarcerated for a minimum period and has not previously been
8 adjudicated for certain offenses; requiring an initial
9 eligibility interview to determine whether the adolescent
10 offender has been sufficiently rehabilitated for parole;
11 providing criteria to determine sufficient rehabilitation;
12 providing eligibility for a reinterview after a specified
13 period for offenders denied parole; providing that the child
14 be incarcerated in an adolescent offender facility with a GED
15 program; providing that if the child is not granted parole by
16 a specified age, the child must be transferred from the
17 adolescent offender facility to an appropriate adult facility
18 with a GED program; providing that if the child is granted
19 parole, the adolescent offender must participate in any
20 available reentry program for 2 years; defining the term
21 "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:

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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 of 2009."

Section 2. Paragraph (f) is added to subsection (1) of section 947.16, Florida Statutes, subsections (2) through (6) are renumbered as subsections (4) through (8), respectively, and new subsections (2) and (3) are added to that section, to read:

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

(1) Every person who has been convicted of a felony or who has been convicted of one or more misdemeanors and whose sentence or cumulative sentences total 12 months or more, who is confined in execution of the judgment of the court, and whose record during confinement or while under supervision is good, shall, unless otherwise provided by law, be eligible for interview for parole consideration of her or his cumulative sentence structure as follows:

(f)1. As used in this paragraph and subsections (2) and (3), the term:

a. "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, and has served 8 years of the sentence.

b. "Current offense" means one or more crimes committed by the adolescent offender within a 1-month period of time or for which sentences run concurrent to each other.

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57 2. An adolescent offender may be eligible for parole as
58 provided in this paragraph. An adolescent offender is ineligible
59 under this paragraph if she or he, before the current offense,
60 pled nolo contendere to or was convicted of any violation of:

61 a. Section 782.04, entitled "Murder";

62 b. Section 784.041, entitled "Felony battery; domestic
63 battery by strangulation";

64 c. Section 784.045, entitled "Aggravated battery";

65 d. Section 784.07, entitled "Assault or battery of law
66 enforcement officers, firefighters, emergency medical care
67 providers, public transit employees or agents, or other
68 specified officers; reclassification of offenses; minimum
69 sentences";

70 e. Section 784.08, entitled "Assault or battery on persons
71 65 years of age or older; reclassification of offenses; minimum
72 sentence";

73 f. Section 790.07, entitled "Persons engaged in criminal
74 offense, having weapons";

75 g. Section 794.011, entitled "Sexual battery";

76 h. Section 827.03, entitled "Abuse, aggravated abuse, and
77 neglect of a child; penalties"; or

78 i. Section 828.12, entitled "Cruelty to animals."

79 3. Before an adolescent offender may be granted parole
80 under this paragraph, she or he must have an initial eligibility
81 interview to determine whether she or he has been sufficiently
82 rehabilitated while in the custody of the department to justify
83 granting parole. The initial eligibility interview will occur in
84 the eighth year of incarceration. In order to determine if the

85 adolescent offender has been sufficiently rehabilitated, she or
86 he must have successfully completed the General Educational
87 Development (GED) program and have received no disciplinary
88 reports for a period of at least 2 years. The hearing examiner
89 must also consider whether:

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

94 b. The adolescent offender has shown remorse for the
95 criminal offense.

96 c. The adolescent offender's age, maturity, and
97 psychological development at the time of the offense affected
98 her or his behavior.

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

103 e. The adolescent offender has successfully completed
104 educational and self-rehabilitation programs.

105 f. The adolescent offender was a victim of sexual,
106 physical, or emotional abuse.

107 g. The wishes of the victim or the opinions of the
108 victim's next of kin have been taken into serious consideration.

109 4. An adolescent offender who is not granted parole under
110 this paragraph 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.

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113 (2) Except as otherwise provided in chapter 958, an
114 adolescent offender must be serving the sentence in a facility
115 designated for adolescent offenders that has a General
116 Educational Development (GED) program. The adolescent offender
117 shall receive priority in GED program placement. If an
118 adolescent offender has not been granted parole by the time she
119 or he reaches 25 years of age, the adolescent offender must be
120 transferred from the adolescent offender facility to an
121 appropriate adult facility that has a General Educational
122 Development (GED) program.

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

133 Section 3. An adolescent offender, as defined in s.
134 947.16(1)(f), Florida Statutes, as created by this act, in his
135 or her eighth or subsequent year of incarceration on the
136 effective date of this act must receive an initial eligibility
137 interview as provided in s. 947.16(1)(f)3., Florida Statutes, as
138 created by this act, if he or she is otherwise eligible.

139 Section 4. This act shall take effect upon becoming a law
140 and shall apply retroactively.