



932794

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/09/2012	.	
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	.	

The Committee on Criminal Justice (Bennett) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. This act may be cited as the "Graham Compliance Act."

Section 2. Juvenile offender resentencing.-

(1) As used in this section, the term:

(a) "Juvenile offender" means an offender who was younger than 18 years of age at the time the nonhomicide offense was committed.

(b) "Nonhomicide offense" means an offense that did not



932794

13 result in the death of a human being.

14 (2) Notwithstanding any other law to the contrary, a
15 juvenile offender who is sentenced to life imprisonment for a
16 nonhomicide offense may be eligible for resentencing as provided
17 in this section.

18 (3) Before a juvenile offender may be eligible for
19 resentencing under this section, she or he must have served 25
20 years of incarceration for the offense for which resentencing is
21 sought. The initial resentencing hearing and any subsequent
22 resentencing hearing may occur only if the juvenile offender has
23 received no approved disciplinary reports for at least 3 years
24 before the scheduled resentencing hearing.

25 (4) The Department of Corrections shall screen juvenile
26 offenders committed to the department for their eligibility to
27 participate in a resentencing hearing using the criteria in
28 subsection (3). If a juvenile offender meets the eligibility
29 requirements, the department shall request the court of original
30 jurisdiction to hold a resentencing hearing for that juvenile.

31 (5) In determining whether a juvenile offender has
32 demonstrated maturity and reform and whether she or he should be
33 resentenced, the court conducting a resentencing hearing must
34 consider all of the following:

35 (a) Whether the juvenile offender poses the same level of
36 risk to society as at the time of initial sentencing.

37 (b) The wishes of the victim or the opinions of the
38 victim's next of kin. The absence of the victim or victim's next
39 of kin from the resentencing hearing may not be a factor in the
40 court's determination under this section.

41 (c) Whether the juvenile offender was a relatively minor



932794

42 participant in the criminal offense or acted under extreme
43 duress or domination of another person.

44 (d) Whether the juvenile offender has shown sincere and
45 sustained remorse for the criminal offense.

46 (e) Whether the juvenile offender's age, maturity, and
47 psychological development at the time of the offense affected
48 her or his behavior.

49 (f) Whether the juvenile offender, while in the custody of
50 the department, has aided inmates suffering from catastrophic or
51 terminal medical, mental, or physical conditions or has
52 prevented risk or injury to staff, citizens, or other inmates.

53 (g) Whether the juvenile offender has successfully
54 completed any General Educational Development or other
55 educational, technical, work, vocational, or self-rehabilitation
56 program.

57 (h) Whether the juvenile offender was a victim of sexual,
58 physical, or emotional abuse before she or he committed the
59 offense.

60 (i) The results of any mental health assessment, risk
61 assessment, or evaluation of the juvenile offender.

62 (j) The facts and circumstances of the offense for which
63 the life sentence was imposed, including the severity of the
64 offense.

65 (k) Any factor that the sentencing court may have taken
66 into account at the initial sentencing hearing in relation to
67 all other considerations listed in this section which may be
68 relevant to the court's determination.

69 (6) If the court determines at the resentencing hearing
70 that the juvenile offender can reasonably be believed to be fit



932794

71 to reenter society, the court must issue an order modifying the
72 sentence imposed and placing the offender on probation for a
73 term of at least 5 years. If the juvenile offender violates the
74 conditions of her or his probation, the court may revoke
75 probation and impose any sentence that it might have originally
76 imposed and the juvenile offender is no longer eligible for a
77 resentencing hearing pursuant to this section.

78 (7) A juvenile offender who is not resentenced under this
79 section at the initial resentencing hearing is eligible for a
80 resentencing hearing 7 years after the date of the denial and
81 every 7 years thereafter.

82 Section 3. This act shall take effect upon becoming a law.

83
84 ===== T I T L E A M E N D M E N T =====

85 And the title is amended as follows:

86
87 Delete everything before the enacting clause
88 and insert:

89 A bill to be entitled
90 An act relating to juvenile offenders; providing a
91 short title; providing definitions; providing that a
92 juvenile offender who was younger than 18 years of age
93 at the time of commission of a nonhomicide offense and
94 who is sentenced to life imprisonment is eligible for
95 resentencing if the offender has been incarcerated for
96 a minimum period; requiring an initial resentencing
97 hearing to determine whether the juvenile offender has
98 demonstrated maturity and reform for resentencing;
99 providing criteria to determine maturity and reform;



932794

100 requiring a minimum term of probation for any juvenile
101 offender resentenced by the court; providing
102 consequences for probation violations; providing
103 eligibility for a subsequent resentencing hearing
104 after a specified period for juvenile offenders denied
105 resentencing; providing an effective date.