

HB 29

2011

A bill to be entitled
An act relating to parole for juvenile offenders;
providing a short title; amending s. 947.16, F.S.;
providing definitions; providing that a juvenile offender
who was less than 18 years of age at the time of
commission of a nonhomicide offense and who is sentenced
to life imprisonment is eligible for parole if the
offender has been incarcerated for a minimum period;
requiring an initial eligibility interview to determine
whether the juvenile offender has demonstrated maturity
and reform for parole; providing criteria to determine
maturity and reform; providing eligibility for a
reinterview after a specified period for juvenile
offenders denied parole; providing an effective date.

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

Section 1. This act may be cited as the "Graham Compliance 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; juvenile offender eligibility.—

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

1. "Juvenile offender" means an offender who was less than 18 years of age at the time the nonhomicide offense was

29 committed.

30 2. "Nonhomicide offense" means an offense that did not
31 result in the death of a human being.

32 (b) Notwithstanding subsection (1) or any other provision
33 of law to the contrary, a juvenile offender who is sentenced to
34 life imprisonment for a nonhomicide offense may be eligible for
35 parole as provided in this subsection.

36 (c) Before a juvenile offender may be granted parole under
37 this subsection, she or he must have an initial eligibility
38 interview to determine whether she or he has demonstrated
39 maturity and reform while in the custody of the department to
40 justify granting parole. The initial eligibility interview must
41 occur only after the juvenile offender serves 25 years of
42 incarceration. The initial eligibility interview and any
43 subsequent eligibility interviews must occur only if the
44 juvenile offender has received no approved disciplinary reports
45 for at least 3 years before the scheduled eligibility interview.

46 (d) In determining whether the juvenile offender has
47 demonstrated maturity and reform and whether she or he should be
48 granted parole, the commission must consider all of the
49 following:

50 1. The wishes of the victim or the opinions of the
51 victim's next of kin.

52 2. Whether the juvenile offender was a relatively minor
53 participant in the criminal offense or acted under extreme
54 duress or domination of another person.

55 3. Whether the juvenile offender has shown sincere and
56 sustained remorse for the criminal offense.

57 4. Whether the juvenile offender's age, maturity, and
58 psychological development at the time of the offense affected
59 her or his behavior.

60 5. Whether the juvenile offender, while in the custody of
61 the department, has aided inmates suffering from catastrophic or
62 terminal medical, mental, or physical conditions or has
63 prevented risk or injury to staff, citizens, or other inmates.

64 6. Whether the juvenile offender has successfully
65 completed any General Educational Development, other
66 educational, technical, work, vocational, or available self-
67 rehabilitation program.

68 7. Whether the juvenile offender was a victim of sexual,
69 physical, or emotional abuse prior to the time of the offense.

70 8. The results of any mental health assessment or
71 evaluation that has been performed on the juvenile offender.

72 (e) A juvenile offender who is not granted parole under
73 this subsection after an initial eligibility interview is
74 eligible for a reinterview 7 years after the date of the denial
75 of the grant of parole and every 7 years thereafter.

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