

1 A bill to be entitled
 2 An act relating to juvenile sentencing; amending s.
 3 775.082, F.S.; providing sentencing alternatives for
 4 offenses committed by minors who would otherwise only
 5 be punishable by life in prison; authorizing life
 6 sentences if specified factors are considered;
 7 providing that certain offenses committed after a
 8 specified date punishable by a term of years not
 9 exceeding life imprisonment by an offender who was
 10 younger than 18 years of age at the time of the
 11 offense are punishable by terms of imprisonment not
 12 exceeding specified numbers of years; providing for a
 13 review after a specified number of years of the
 14 sentence of a juvenile sentenced to life; providing
 15 for eligibility screening; providing for a hearing;
 16 providing factors for consideration; providing for
 17 modification of sentence; providing for future review
 18 hearings for juveniles who are not resentenced;
 19 providing an effective date.

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

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 23 Section 1. Subsection (11) of section 775.082, Florida
 24 Statutes, is renumbered as subsection (12), subsections (1) and
 25 (3) of that section are amended, and a new subsection (11) is
 26 added to that section, to read:

27 775.082 Penalties; applicability of sentencing structures;
 28 mandatory minimum sentences for certain reoffenders previously

29 released from prison.-

30 (1) Except for a capital felony that occurred before the
 31 person attained 18 years of age, a person who has been convicted
 32 of a capital felony shall be punished by death if the proceeding
 33 held to determine sentence according to the procedure set forth
 34 in s. 921.141 results in findings by the court that such person
 35 shall be punished by death, otherwise such person shall be
 36 punished by life imprisonment and shall be ineligible for
 37 parole.

38 (3) Except for a designated felony that occurred before
 39 the person attained 18 years of age, a person who has been
 40 convicted of any other designated felony may be punished as
 41 follows:

42 (a)1. For a life felony committed prior to October 1,
 43 1983, by a term of imprisonment for life or for a term of years
 44 not less than 30.

45 2. For a life felony committed on or after October 1,
 46 1983, by a term of imprisonment for life or by a term of
 47 imprisonment not exceeding 40 years.

48 3. Except as provided in subparagraph 4., for a life
 49 felony committed on or after July 1, 1995, by a term of
 50 imprisonment for life or by imprisonment for a term of years not
 51 exceeding life imprisonment.

52 4.a. Except as provided in sub-subparagraph b., for a life
 53 felony committed on or after September 1, 2005, which is a
 54 violation of s. 800.04(5)(b), by:

55 (I) A term of imprisonment for life; or

56 (II) A split sentence that is a term of not less than 25

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57 | years' imprisonment and not exceeding life imprisonment,
58 | followed by probation or community control for the remainder of
59 | the person's natural life, as provided in s. 948.012(4).

60 | b. For a life felony committed on or after July 1, 2008,
61 | which is a person's second or subsequent violation of s.
62 | 800.04(5)(b), by a term of imprisonment for life.

63 | (b) Except for a felony of the first degree that occurred
64 | before the person attained 18 years of age, for a felony of the
65 | first degree, by a term of imprisonment not exceeding 30 years
66 | or, when specifically provided by statute, by imprisonment for a
67 | term of years not exceeding life imprisonment.

68 | (c) For a felony of the second degree, by a term of
69 | imprisonment not exceeding 15 years.

70 | (d) For a felony of the third degree, by a term of
71 | imprisonment not exceeding 5 years.

72 | (11) (a) A person who has been convicted of a felony that
73 | occurred before the person attained 18 years of age that is not
74 | included in subsections (1) and (3) shall be sentenced as
75 | provided in this subsection. Such a person may be sentenced to
76 | life imprisonment only if the judge at a mandatory sentencing
77 | hearing considers factors relevant to sentencing, including, but
78 | not limited to, the nature, planning, or commission of the
79 | crime; the effect of the crime on the victim's family and
80 | community; the prior criminal activity of the offender; the need
81 | to safeguard the public; the offender's chronological age and
82 | its hallmark features, including, but not limited to, his or her
83 | maturity, impetuosity, and failure to correctly assess risks and
84 | consequences; the offender's family and home environment; the

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85 extent of the offender's participation in the offense; the way
86 the offender may have been affected by family or peer pressures;
87 and the offender's potential for rehabilitation, and concludes
88 that life imprisonment is an appropriate sentence under this
89 subsection.

90 (b) A person who is convicted of a capital felony that
91 occurred before the person attained 18 years of age shall be
92 punished by life imprisonment and shall be ineligible for parole
93 if the judge at a sentencing hearing conducted as provided in
94 paragraph (a) concludes that life imprisonment is an appropriate
95 sentence. If the judge determines that life imprisonment is not
96 an appropriate sentence, the offender shall be punished by a
97 term of imprisonment of at least 25 years.

98 (c)1. Except as provided in subparagraph 2., a person
99 convicted under s. 782.04 who was younger than 18 years of age
100 at the time of the offense for a life felony is eligible for
101 imprisonment for life or a term of years equal to life
102 imprisonment and shall be ineligible for parole if the judge at
103 a mandatory sentencing hearing conducted as provided in
104 paragraph (a) concludes that life imprisonment or a term of
105 years equal to life imprisonment is an appropriate sentence.

106 2. For offenses committed on or after July 1, 2013, a
107 person convicted for any other life felony punishable by life
108 imprisonment or a term of years not exceeding life imprisonment
109 who was younger than 18 years of age at the time of the offense
110 shall be punished by a term of imprisonment not exceeding 15
111 years.

112 (d)1. Except as provided in subparagraph 2., a person

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113 convicted under s. 782.04 who was younger than 18 years of age
114 at the time of the offense for a first degree felony punishable
115 by a term of years not exceeding life imprisonment is eligible
116 for a term of years equal to life imprisonment if the judge at a
117 mandatory sentencing hearing conducted as provided under
118 paragraph (a) concludes that the term of years equal to life
119 imprisonment is an appropriate sentence.

120 2. For offenses committed on or after July 1, 2013, a
121 person convicted for any other first degree felony punishable by
122 a term of years not exceeding life imprisonment who was younger
123 than 18 years of age at the time of the offense shall be
124 punished by a term of imprisonment not exceeding 10 years.

125 (e)1. A person who is sentenced to life in prison as a
126 juvenile shall have his or her sentence reviewed after 25 years.
127 The Department of Corrections shall screen juvenile offenders
128 who are committed to the department for eligibility to
129 participate in a resentencing hearing and shall notify the
130 juvenile offender of his or her eligibility to apply. If a
131 juvenile offender meets the eligibility requirements, the
132 juvenile offender may request the court of original jurisdiction
133 to hold a resentencing hearing.

134 2. A juvenile offender is entitled to be represented by
135 counsel, and the court shall appoint a public defender to
136 represent the juvenile offender if the juvenile offender cannot
137 afford an attorney.

138 3. The court shall determine whether the juvenile offender
139 has demonstrated maturity and reform and whether he or she
140 should be resentenced. The sentencing court may consider all of

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141 the following:

142 a. Whether the juvenile offender remains at the same level
143 of risk to society as he or she did at the time of the initial
144 sentencing.

145 b. The wishes of the victim or the opinions of the
146 victim's next of kin. The absence of the victim or victim's next
147 of kin from the resentencing hearing may not be a factor in the
148 courts determination under this section.

149 c. Whether the juvenile offender was a relatively minor
150 participant in the criminal offense or acted under extreme
151 duress or the domination of another person.

152 d. Whether the juvenile offender has shown sincere and
153 sustained remorse for the criminal offense.

154 e. Whether the juvenile offender's age, maturity, and
155 psychological development at the time of the offense affected
156 his or her behavior.

157 f. Whether the juvenile offender has successfully obtained
158 a general educational development certificate or completed
159 another educational, technical, work, vocational, or self-
160 rehabilitation program.

161 g. Whether the juvenile offender was a victim of sexual,
162 physical, or emotional abuse before he or she committed the
163 offense.

164 h. The results of a mental health assessment, risk
165 assessment, or evaluation of the juvenile offender as to
166 rehabilitation.

167 4. If the court determines at the resentencing hearing
168 that the juvenile offender has been rehabilitated and is

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169 reasonably believed to be fit to reenter society, the court
170 shall issue an order modifying the sentence imposed and place
171 the offender on probation for a term of at least 5 years.

172 5. A juvenile offender who is not resentenced under this
173 paragraph at the initial resentencing hearing is eligible for a
174 resentencing hearing 5 years after the date of the denial and
175 every 5 years after that.

176 Section 2. This act shall take effect July 1, 2013.