

Bill No. SB 646

Barcode 933572

Proposed Committee Substitute by the Committee on Criminal  
Justice

1                                   A bill to be entitled  
2           An act relating to youthful offenders; amending  
3           ss. 958.045 and 958.11, F.S.; revising  
4           sentencing provisions for juvenile offenders  
5           who violate the terms of their probation;  
6           revising references to obsolete offices within  
7           the Department of Corrections relating to  
8           youthful offenders; providing an effective  
9           date.

10

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

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13           Section 1. Subsection (2), paragraph (c) of subsection  
14 (5), and paragraph (a) of subsection (8) of section 958.045,  
15 Florida Statutes, are amended to read:

16           958.045 Youthful offender basic training program.--

17           (2) (a) Upon receipt of a youthful offender ~~offenders~~,  
18 the department shall screen the offender ~~offenders~~ for the  
19 basic training program. To participate, an offender must have  
20 no physical limitations that preclude participation in  
21 strenuous activity, must not be impaired, and must not have  
22 been previously incarcerated in a state or federal  
23 correctional facility. In screening an offender ~~offenders~~ for  
24 the basic training program, the department shall consider the  
25 offender's criminal history and the possible rehabilitative  
26 benefits of "shock" incarceration.

27           (b) If an offender meets the specified criteria and  
28 space is available, the department shall request, in writing  
29 from the sentencing court, approval for the offender to  
30 participate in the basic training program. ~~When If the person~~  
31 ~~is classified by the department as a youthful offender and the~~

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1 department requests ~~is requesting~~ approval from the sentencing  
2 court for placement of an offender in a basic training ~~the~~  
3 program, the department shall, at the same time, notify the  
4 state attorney that the offender is being considered for  
5 placement in the basic training program. The notice must  
6 explain that the purpose of such placement is diversion from  
7 lengthy incarceration when a short "shock" incarceration could  
8 produce the same deterrent effect, and that the state attorney  
9 may, within 14 days after the mailing of the notice, notify  
10 the sentencing court in writing of objections, if any, to the  
11 placement of the offender in the basic training program.

12 (c) The sentencing court shall notify the department  
13 in writing of placement approval no later than 21 days after  
14 receipt of the department's request for placement of the  
15 youthful offender in the basic training program. Failure to  
16 notify the department within 21 days shall be considered ~~an~~  
17 approval by the sentencing court for placing the youthful  
18 offender in the basic training program. Each state attorney  
19 may develop procedures for notifying the victim that the  
20 offender is being considered for placement in the basic  
21 training program.

22 (5)

23 (c) The portion of the sentence served prior to  
24 placement in the basic training program may not be counted  
25 toward program completion. Upon the offender's completion of  
26 the basic training program, the department shall submit a  
27 report to the court that describes the offender's performance.  
28 If the offender's performance has been satisfactory, the court  
29 shall issue an order modifying the sentence imposed and  
30 placing the offender on probation. The term of probation may  
31 include placement in a community residential program. If the

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1 offender violates the conditions of probation, the court may  
2 revoke probation and impose any sentence that it might have  
3 originally imposed ~~as a condition of probation.~~

4 (8) (a) The department ~~Assistant Secretary for Youthful~~  
5 ~~Offenders~~ shall continuously screen all institutions,  
6 facilities, and programs for any inmate who meets the  
7 eligibility requirements for youthful offender designation  
8 specified in s. 958.04, whose age does not exceed 24 years.  
9 The department may classify and assign as a youthful offender  
10 any inmate who meets the criteria of s. 958.04.

11 Section 2. Subsections (4), (5), and (6) of section  
12 958.11, Florida Statutes, are amended to read:

13 958.11 Designation of institutions and programs for  
14 youthful offenders; assignment from youthful offender  
15 institutions and programs.--

16 (4) The department ~~Office of the Assistant Secretary~~  
17 ~~for Youthful Offenders~~ shall continuously screen all  
18 institutions, facilities, and programs for any inmate who  
19 meets the eligibility requirements for youthful offender  
20 designation specified in s. 958.04(1)(a) and (c) whose age  
21 does not exceed 24 years and whose total length of sentence  
22 does not exceed 10 years, and the department may classify and  
23 assign as a youthful offender any inmate who meets the  
24 criteria of this subsection.

25 (5) The department ~~Population Movement and Control~~  
26 ~~Coordinator~~ shall coordinate all youthful offender assignments  
27 or transfers ~~and shall consult with the Office of the~~  
28 ~~Assistant Secretary for Youthful Offenders.~~ The department  
29 ~~Office of the Assistant Secretary for Youthful Offenders~~ shall  
30 review and maintain access to full and complete documentation  
31 and substantiation of all such assignments or transfers of

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1 youthful offenders to or from facilities in the state  
2 correctional system which are not designated for their care,  
3 custody, and control, except assignments or transfers made  
4 pursuant to paragraph (3)(c).

5           (6) The department may assign to a youthful offender  
6 facility any inmate, except a capital or life felon, whose age  
7 does not exceed 19 years but who does not otherwise meet the  
8 criteria of this section, if the department Assistant  
9 ~~Secretary for Youthful Offenders~~ determines that such inmate's  
10 mental or physical vulnerability would substantially or  
11 materially jeopardize his or her safety in a nonyouthful  
12 offender facility. Assignments made under this subsection  
13 shall be included in the department's annual report.

14           Section 3. This act shall take effect July 1, 2005.

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