

CS/SB 1308 – Criminal Justice

This bill amends s. 775.082(9), F.S., creating an exception to when a prison releasee reoffender must serve 100 percent of the court-imposed sentence, stating that “a juvenile or young adult offender who is eligible for review of his or her sentence under s. 921.1402, F.S. or s. 921.1403, F.S., respectively, may be resentenced and released from imprisonment if a court deems the resentencing appropriate in accordance with the review requirements under such sections.”

This bill further amends s. 941.1402(2)(a), F.S. to read as follows for when a juvenile is not entitled to a review of his or her sentence after 25 years: “if he or she has previously been convicted of committing, or of conspiracy to commit, murder if the murder offense for which the person was previously convicted was part of a separate criminal transaction or episode than the murder which resulted in the sentence under s. 775.082(1)(b)1, F.S.” The other offenses currently listed for when a juvenile is not entitled to a review are deleted.

The bill also creates s. 921.14021, F.S., stating that “a juvenile offender, as defined in s. 921.1402, F.S., who was convicted for a capital offense and sentenced under s. 775.082(1)(b)1., F.S., and who was ineligible for a sentence review hearing pursuant to s. 921.1402(2)(a)2.-10., F.S. as it existed before July 1, 2020, is entitled to a review of his or her sentence after 25 years or, if on July 1, 2020, 25 years have already passed since the sentencing, immediately.”

Finally, the bill creates s. 921.1403, F.S., defining young adult offender as someone who committed an offense prior to reaching 25 years of age and establishing when he or she is eligible for a sentence review. It is initially stated that “a young adult offender is not entitled to a sentence review under this section if he or she has previously been convicted of committing, or of conspiring to commit, murder if the murder offense for which the person was previously convicted was part of a separate criminal transaction or episode than that which resulted in the sentence under s. 775.082(3)(a)1., 2., 3., 4., or 6., or (b)1., F.S.”

Two scenarios exist where he or she would be eligible. The first states the following: “A young adult offender who is convicted of an offense that is a life felony, that is punishable by a term of years not exceeding life imprisonment, or that was reclassified as a life felony, which was committed after the person attained 18 years of age and who is sentenced to a term of more than 20 years under s. 775.082(3)(a)1., 2., 3., 4., or 6., F.S. , is entitled to a review of his or her sentence after 20 years.” This would not apply to a person eligible for sentencing under s. 775.082(3)(a)5, F.S. The second states that “a young adult offender who is convicted of an offense that is a felony of the first degree or that was reclassified as a felony of the first degree and who is sentenced to a term of more than 15 years under s. 775.082(3)(b)1., F.S. is entitled to a review of his or her sentence after 15 years.” The process of the sentence review is outlined, with the option of the court to modify the sentence once complete, with at least a 5 year probation term for a sentence of more than 20 years (first scenario) and at least a 3 year probation

term for a sentence of more than 15 years (second scenario). This too would apply retroactively to eligible young adult offenders.

Per DOC, there are currently 4,259 inmates who are potentially eligible for sentencing review under the amended language. It is not known how the courts will respond to those who are potentially eligible, therefore the impact on prison beds cannot be quantified. However, given the large number of inmates currently fitting this criteria, there is expected to be a significant impact.

CONFERENCE ADOPTED ESTIMATE: Negative Significant

Requested by: Senate