

RESOLUTION NO. 04-2010

A RESOLUTION OF THE TOWN OF GRANT-VALKARIA, BREVARD COUNTY, FLORIDA, RELATING TO THE SECOND CHANCE FOR CHILDREN IN PRISON ACT PROVIDED FOR IN THE COMMITTEE SUBSTITUTE FOR SENATE BILL 184 AND THE COMMITTEE SUBSTITUTE FOR HOUSE BILL 23; MAKING FINDINGS; RECOMMENDING DISAPPROVAL OF THE LEGISLATION; PROVIDING FOR DISTRIBUTION OF THIS RESOLUTION; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR ADOPTION.

WHEREAS, the Committee Substitute for Senate Bill 184 and the Committee Substitute for House Bill 23 are similar measures which provide for the creation of the Second Chance for Children in Prison Act;

WHEREAS, the proposed legislation is designed to provide for the parole of certain adolescents who were 15 years of age or younger when they committed a crime;

WHEREAS, pursuant to the proposed legislation an “adolescent offender” is an offender who was 15 years of age or younger at the time the criminal act was committed and was sentenced to life or to a single or cumulative term of imprisonment of 10 years or more;

WHEREAS, adolescent offenders are ineligible for parole under the proposed legislation, if the adolescent offender was convicted of murder pursuant to Section 782.04, Florida Statutes; felony battery or domestic battery by strangulation pursuant to Section 784.041, Florida Statutes; aggravated battery Section 784.045, Florida Statutes; assault or battery of a law enforcement officer, firefighter, emergency medical care provider, public transit employee or agent pursuant to Section 784.07, Florida Statutes; assault or battery on persons 65 years of age or older pursuant to Section 784.08, Florida Statutes; kidnapping; kidnapping of child under age 13, aggravating circumstances pursuant to Section 787.01, Florida Statutes; persons engaged in criminal offense, having weapons pursuant to Section 790.07, Florida Statutes; sexual battery pursuant to Section 794.011, Florida Statutes; carjacking pursuant to Section 812.133, Florida Statutes; home-invasion robbery pursuant to Section 812.135, Florida Statutes; abuse, aggravated abuse, and neglect of a child pursuant to Section 827.03, Florida Statutes; or cruelty to animals pursuant to Section 828.12(2), Florida Statutes;

WHEREAS, the legislation provides that adolescent offenders may be eligible for parole, if the inmate is in at least his or her eighth year of incarceration, has successfully completed the General Educational Development (GED) program (unless waived based on disability), and has received no approved disciplinary reports for a period of at least 2 years immediately prior to the current eligibility interview;

WHEREAS, prior to becoming eligible, an adolescent offender must undergo an initial eligibility interview to determine whether she or he has been sufficiently rehabilitated while in custody to justify granting parole;

WHEREAS, in determining sufficient rehabilitation, a hearing examiner must also take into serious consideration the wishes of the victim or the opinions of the victim's next of kin and consider whether: 1. The adolescent offender was a principal to the criminal offense or an accomplice to the offense, a relatively minor participant in the criminal offense, or acted under extreme duress or domination of another person; 2. The adolescent offender committed an act of violence or threatened to commit an act of violence during the commission of the criminal offense; 3. The adolescent offender has shown remorse for the criminal offense; 4. The adolescent offender's age, maturity, and psychological development at the time of the offense affected her or his behavior; 5. The adolescent offender, while in the custody of the department, has aided inmates suffering from catastrophic or terminal medical, mental, or physical conditions or has prevented risk or injury to staff, citizens, or other inmates; 6. The adolescent offender has successfully completed educational, technical, or vocational programs and any available self-rehabilitation programs; 7. The adolescent offender was a victim of sexual, physical, or emotional abuse; and 8. The results of any mental health assessment or evaluation that has been performed on the adolescent offender;

WHEREAS, the Town of Grant-Valkaria., finds that the bill will authorize the early release of young convicted felons who have been sentenced to long prison sentences up to life imprisonment without the possibility of parole;

WHEREAS, the Town of Grant-Valkaria, finds this type of policy is not in the public interest,

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF GRANT-VALKARIA, BREVARD COUNTY, FLORIDA that:

SECTION 1. The Committee Substitute for Senate Bill-23 and the Committee Substitute for House Bill-184 should be disapproved. The legislation will result in the release of highly aggressive young criminals who would otherwise serve long sentences.

SECTION 2. The Town of Grant-Valkaria Town Clerk is directed to forward copies of this resolution to the Brevard County Legislative Delegation, Senators Arthenia Joyner and Paula Dockery and State Representatives Michael Weinstein, Dwight Bullard, Luis Garcia, Ari Porth, and Maria Sachs, and to all Brevard municipalities.

SECTION 3. This Resolution shall become effective immediately upon its adoption.

SECTION 4. This Resolution was duly adopted at a regular Town Council meeting of the Town of Grant-Valkaria, Brevard County, Florida, on the _____ day of _____, 2010.

Del Yonts, Mayor

ATTEST:

Susanne Krueger, Town Clerk

April 28, 2010: Town Council consensus not to take action on this resolution.