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## FSU law-school students work to redeem futures of juvenile convicts

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Capital Curmudgeon*

A team of Florida State University law students has come up with what seems like a cautious, sensible solution for preventing a few — very few — young criminals from wasting their lives in prison.

The plan has some experienced sponsors in the House and Senate and there doesn't seem to be any logical argument against it. So, in an election year, that means you have to contemplate the illogical arguments.

Namely, politics and the campaign pollutants spewed by the shadowy committees known as "527s."

### Outlining the plan

Here's the idea behind the Children in Prison Rehabilitation Act of 2008: If you were 16 or younger when you committed a crime, and you are serving 10 years or longer, you can be eligible for parole after eight years. That's all, just eligible — no guarantees you'll get out.

Oh, and you can't have been convicted of a sex offense, assault on a law-enforcement officer or elderly person, or be classified as a "habitual offender." Finally, you have to keep a clean record in prison and show some rehab, like getting a GED.

In other words, the bill recognizes that even the worst 15-year-old thug might, at 23 or 24, be a different person.

Since the Supreme Court won't let a 16-year-old be sentenced to death, life without parole is the next best thing — and richly deserved, sometimes.

### A new social reality

Law professor Paolo Annino and Donna Duncan, a third-year law student who worked as a correctional officer at Union Correctional Institution and the Wakulla prison from 1994 to 2001, have no illusions about the kind of inmates they're talking about. Pick up the paper almost any day and you'll read about teenagers doing things that would make Sweeney Todd barf.

"We've got 122 prisoners doing life without parole who were 16 or younger at the time of their crimes," said Duncan. "We're not trying to release them. There are a few who should be given an opportunity to earn it, and that's all we're seeking."

It's not in the bill, but another aspect of this idea is that people go through a lot of change from their mid-teens to mid-20s. There is evidence that brain chemistry and activity is different in adolescence, just as it is in extreme old age.

"What the bill does, it says, 'Look, we've got a new social reality when someone is 24 or 25,'" said Annino. "The focus is not on paroling them, but on rehabilitation. This bill is very stringent on who will be eligible for parole, only the kids who can establish that they've got their lives back on track."

Duncan said the five law students working on the project enlisted Rep. Will Kendrick, R-Carrabelle, and Sen. Steve Geller, D-Cooper City, to sponsor their bill. It will be a tough sell in the Legislature.

On the attack

Suppose you're a member up for re-election; you don't want people saying you voted to release convicted killers after only eight years. Technically, the bill can be read that way, if you disregard all the requirements and exclusions.

That's where the 527s come in. The name derives from the section of the tax code involving these electioneering committees that amass vast sums, often from one or two special interests, to finance mass-mail and TV campaigns. They don't tell you how to vote, just suggest that you call a candidate and tell him or her to (a) stop being such a dunce or (b) keep fighting for Florida families. (Like they might not, otherwise.)

In this example, sleazy is easy. The attack ad might feature grainy black-and-white shots of a famous killer grinning or scowling — Ted Bundy would be a good choice — interspersed with shots of children at play. The script might say, "He voted to turn convicted killers loose after eight years. Let's tell him our kids don't need him freeing criminals back to our neighborhoods...."

Kendrick laughed about that prospect. He said his bill wouldn't mean a mass exodus of maniacs.

"We sort of say one size fits all, currently," said Kendrick. "This would just give the Parole Commission the opportunity to look at these files."

Fate rests with two Crists

Ultimately, the bill's chances depend on two guys named Crist.

First, there's Sen. Victor Crist, R-Tampa, who chairs the Senate justice-appropriations committee. He's been skeptical in the past but, with safeguards built in, maybe he can be persuadable.

And then there's the governor they called "Chain Gang Charlie" when he was in the Senate, the man who made the "anti-murder act" the first new law he signed last year.

If they're on board, this idea might avoid the "soft on crime" label. If not, the FSU law students have had a useful academic exercise.

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