



392502

LEGISLATIVE ACTION

Senate

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House

The Committee on Criminal Justice (Powell) recommended the following:

Senate Amendment

Delete lines 389 - 433

and insert:

reasonable effort to ensure that any child who is 16 years of age or older but has not yet reached the age of 18 and ~~16 or 17~~ years of age who is convicted and sentenced under this section ~~is paragraph~~ be completely separated such that there is no physical contact with adult offenders in the facility, to the extent that it is consistent with chapter 958.



392502

11 (2)~~(3)~~ EFFECT OF PROSECUTION OF CHILDREN AS ADULTS DIRECT
12 FILE.—

13 (a) Once a child has been transferred for criminal
14 prosecution pursuant to an information and has been found to
15 have committed the presenting offense or a lesser included
16 offense, the child shall be handled thereafter in every respect
17 as if an adult for any subsequent violation of state law, unless
18 the court imposes juvenile sanctions under s. 985.565.

19 (b) When a child is transferred for criminal prosecution as
20 an adult, the court shall immediately transfer and certify to
21 the adult circuit court all felony cases pertaining to the
22 child, for prosecution of the child as an adult, which have not
23 yet resulted in a plea of guilty or nolo contendere or in which
24 a finding of guilt has not been made. If a child is acquitted of
25 all charged offenses or lesser included offenses contained in
26 the original case transferred to adult court, all felony cases
27 that were transferred to adult court as a result of this
28 paragraph shall be subject to the same penalties to which such
29 cases would have been subject before being transferred to adult
30 court.

31 (c) When a child has been transferred for criminal
32 prosecution as an adult and has been found to have committed a
33 violation of state law, the disposition of the case may be made
34 under s. 985.565 and may include the enforcement of any
35 restitution ordered in any juvenile proceeding.

36 (3) FITNESS HEARING BEFORE A JUDGE.—A child who is
37 transferred to adult court under this section may request, in
38 writing, a hearing before the court to determine whether he or
39 she shall remain in adult court. The adult court, in determining



392502

40 whether public safety would be best served by retaining
41 jurisdiction, shall consider the seriousness of the offense; the
42 extent of the child's alleged participation or role in the
43 offense; the sophistication, maturity, and mental development of
44 the child; any prior adjudications or adjudications withheld of
45 the child; and any other consideration set forth in s.
46 985.556(3)(c). The adult court may, based on these
47 considerations, transfer the case back to juvenile court.

48 (4) TRANSFER PROHIBITION.—Notwithstanding any other law, a
49 child who is eligible for prosecution as an adult and who has a
50 pending competency hearing in juvenile court or who has