

By Senator Campbell

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A bill to be entitled
An act relating to juveniles; amending s.
985.215, F.S.; requiring arraignment of a
juvenile ordered into or held in secure,
nonsecure, or home detention care within a
specified time; amending s. 985.228, F.S., to
conform; providing an effective date.

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

Section 1. Subsection (5) of section 985.215, Florida
Statutes, is amended to read:

985.215 Detention.--

(5)(a) A child may not be placed into or held in
secure, nonsecure, or home detention care for longer than 24
hours unless the court orders such detention care, and the
order includes specific instructions that direct the release
of the child from such detention care, in accordance with
subsection (2). The order shall be a final order, reviewable
by appeal pursuant to s. 985.234 and the Florida Rules of
Appellate Procedure. Appeals of such orders shall take
precedence over other appeals and other pending matters.

(b) If a child is ordered to be placed into or held in
secure, nonsecure, or home detention care, the court shall
hold an arraignment on the charges that are the basis for the
detention within 48 hours after the detention order. The judge
may extend the time within which an arraignment must be held
for a period of up to 72 hours for good cause shown. The
adjudicatory hearing shall commence pursuant to paragraph (c).

(c)~~(b)~~ A child may not be held in secure, nonsecure,
or home detention care under a special detention order for

1 more than 21 days unless an adjudicatory hearing for the case
2 has been commenced by the court.

3 (d)~~(c)~~ A child may not be held in secure, nonsecure,
4 or home detention care for more than 15 days following the
5 entry of an order of adjudication.

6 (e)~~(d)~~ The time limits in paragraphs~~(b)~~ and (c) and
7 (d)do not include periods of delay resulting from a
8 continuance granted by the court for cause on motion of the
9 child or his or her counsel or of the state. Upon the issuance
10 of an order granting a continuance for cause on a motion by
11 either the child, the child's counsel, or the state, the court
12 shall conduct a hearing at the end of each 72-hour period,
13 excluding Saturdays, Sundays, and legal holidays, to determine
14 the need for continued detention of the child and the need for
15 further continuance of proceedings for the child or the state.

16 Section 2. Subsection (1) of section 985.228, Florida
17 Statutes, is amended to read:

18 985.228 Adjudicatory hearings; withheld adjudications;
19 orders of adjudication.--

20 (1) The adjudicatory hearing must be held as soon as
21 practicable after the petition alleging that a child has
22 committed a delinquent act or violation of law is filed and in
23 accordance with the Florida Rules of Juvenile Procedure; but
24 reasonable delay for the purpose of investigation, discovery,
25 or procuring counsel or witnesses shall be granted. If the
26 child is being detained, the time limitations provided for in
27 s. 985.215(5)(c) and (d)~~s. 985.215(5)(b) and (c)~~ apply.

28 Section 3. This act shall take effect July 1, 1998.
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SENATE SUMMARY

Requires an arraignment to be held within 48 hours for a juvenile who is ordered to be placed into or to be held in secure, nonsecure, or home detention care unless the judge, for good cause, extends that time for up to an additional 72 hours.