

By Representative Merchant

1 A bill to be entitled
2 An act relating to the prosecution of juveniles
3 as adults; amending s. 985.227, F.S.; providing
4 for a juvenile to be prosecuted as an adult if
5 the juvenile is charged with grand theft in the
6 second degree or third degree of a motor
7 vehicle; reenacting s. 985.21(4)(e), F.S.,
8 relating to the state attorney's authority to
9 prosecute a juvenile as an adult, to
10 incorporate the amendment to s. 985.227, F.S.,
11 in references thereto; providing an effective
12 date.

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

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16 Section 1. Paragraph (a) of subsection (1) of section
17 985.227, Florida Statutes, is amended to read:

18 985.227 Prosecution of juveniles as adults by the
19 direct filing of an information in the criminal division of
20 the circuit court; discretionary criteria; mandatory
21 criteria.--

22 (1) DISCRETIONARY DIRECT FILE; CRITERIA.--

23 (a) With respect to any child who was 14 or 15 years
24 of age at the time the alleged offense was committed, the
25 state attorney may file an information when in the state
26 attorney's judgment and discretion the public interest
27 requires that adult sanctions be considered or imposed and
28 when the offense charged is:

- 29 1. Arson;
30 2. Sexual battery;
31 3. Robbery;

- 1 4. Kidnapping;
- 2 5. Aggravated child abuse;
- 3 6. Aggravated assault;
- 4 7. Aggravated stalking;
- 5 8. Murder;
- 6 9. Manslaughter;
- 7 10. Unlawful throwing, placing, or discharging of a
- 8 destructive device or bomb;
- 9 11. Armed burglary in violation of s. 810.02(2)(b) or
- 10 specified burglary of a dwelling or structure in violation of
- 11 s. 810.02(2)(c);
- 12 12. Aggravated battery;
- 13 13. Lewd or lascivious assault or act in the presence
- 14 of a child;
- 15 14. Carrying, displaying, using, threatening, or
- 16 attempting to use a weapon or firearm during the commission of
- 17 a felony; ~~or~~
- 18 15. Grand theft in violation of s. 812.014(2)(a); ~~or~~
- 19 16. Grand theft of a motor vehicle in violation of s.
- 20 812.014(2)(c)6. or grand theft of a motor vehicle valued at
- 21 \$20,000 or more in violation of s. 812.014(2)(b).

22 Section 2. For the purpose of incorporating the
23 amendment made by this act to section 985.227, Florida
24 Statutes, in a reference thereto, paragraph (e) of subsection
25 (4) of section 985.21, Florida Statutes, is reenacted to read:

26 985.21 Intake and case management.--

27 (4) The intake counselor or case manager shall make a
28 preliminary determination as to whether the report, affidavit,
29 or complaint is complete, consulting with the state attorney
30 as may be necessary. In any case where the intake counselor or
31 case manager or the state attorney finds that the report,

1 affidavit, or complaint is insufficient by the standards for a
2 probable cause affidavit, the intake counselor or case manager
3 or state attorney shall return the report, affidavit, or
4 complaint, without delay, to the person or agency originating
5 the report, affidavit, or complaint or having knowledge of the
6 facts or to the appropriate law enforcement agency having
7 investigative jurisdiction of the offense, and shall request,
8 and the person or agency shall promptly furnish, additional
9 information in order to comply with the standards for a
10 probable cause affidavit.

11 (e) The state attorney may in all cases take action
12 independent of the action or lack of action of the intake
13 counselor or case manager, and shall determine the action
14 which is in the best interest of the public and the child. If
15 the child meets the criteria requiring prosecution as an adult
16 pursuant to s. 985.226, the state attorney shall request the
17 court to transfer and certify the child for prosecution as an
18 adult or shall provide written reasons to the court for not
19 making such request. In all other cases, the state attorney
20 may:

- 21 1. File a petition for dependency;
- 22 2. File a petition pursuant to chapter 984;
- 23 3. File a petition for delinquency;
- 24 4. File a petition for delinquency with a motion to
25 transfer and certify the child for prosecution as an adult;
- 26 5. File an information pursuant to s. 985.227;
- 27 6. Refer the case to a grand jury;
- 28 7. Refer the child to a diversionary, pretrial
29 intervention, arbitration, or mediation program, or to some
30 other treatment or care program if such program commitment is
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1 voluntarily accepted by the child or the child's parents or
2 legal guardians; or

3 8. Decline to file.

4 Section 3. This act shall take effect July 1 of the
5 year in which enacted.

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LEGISLATIVE SUMMARY

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10 Authorizes a state attorney to file an information
11 against a juvenile so that the juvenile is prosecuted as
12 an adult if the juvenile is charged with grand theft in
13 the second degree or third degree of a motor vehicle.

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