

By Senator Klein

28-318-99

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 of a
6 motor vehicle; reenacting s. 985.21(4)(e),
7 F.S., relating to the state attorney's
8 authority to prosecute a juvenile as an adult,
9 to incorporate the amendment to s. 985.227,
10 F.S., in a reference thereto; providing an
11 effective date.

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

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

17 985.227 Prosecution of juveniles as adults by the
18 direct filing of an information in the criminal division of
19 the circuit court; discretionary criteria; mandatory
20 criteria.--

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

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

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

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

21 Section 2. For the purpose of incorporating the
22 amendment made by this act to section 985.227, Florida
23 Statutes, in a reference thereto, paragraph (e) of subsection
24 (4) of section 985.21, Florida Statutes, 1998 Supplement, is
25 reenacted to read:

26 985.21 Intake and case management.--

27 (4) The juvenile probation officer 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 juvenile probation
31 officer or the state attorney finds that the report,

2 probable cause affidavit, the juvenile probation officer or
3 state attorney shall return the report, affidavit, or

5 the report, affidavit, or complaint or having knowledge of the
6 facts or to the appropriate law enforcement agency having

8 and the person or agency shall promptly furnish, additional
9 information in order to comply with the standards for a

11 (e) The state attorney may in all cases take action
12 independent of the action or lack of action of the juvenile

14 the best interest of the public and the child. If the child
15 meets the criteria requiring prosecution as an adult pursuant

17 transfer and certify the child for prosecution as an adult or
18 shall provide written reasons to the court for not making such

- 20 1. File a petition for dependency;
21 2. File a petition pursuant to chapter 984;

23 4. File a petition for delinquency with a motion to
24 transfer and certify the child for prosecution as an adult;

26 6. Refer the case to a grand jury;
27 7. Refer the child to a diversionary, pretrial

29 other treatment or care program if such program commitment is
30 voluntarily accepted by the child or the child's parents or

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8. Decline to file.

Section 3. This act shall take effect July 1, 1999.

SENATE SUMMARY

Authorizes a state attorney to file an information against a juvenile so that the juvenile is prosecuted as an adult if the juvenile is charged with grand theft of a motor vehicle or grand theft of a motor vehicle valued at \$20,000 or more.