

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

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

15
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) if the child
- 22 has a previous adjudication for grand theft of a motor vehicle
- 23 in violation of s. 812.014(2)(c)6. or s. 812.014(2)(b).
- 24 Section 2. For the purpose of incorporating the
- 25 amendment made by this act to section 985.227, Florida
- 26 Statutes, in a reference thereto, paragraph (e) of subsection
- 27 (4) of section 985.21, Florida Statutes, 1998 Supplement, is
- 28 reenacted to read:
- 29 985.21 Intake and case management.--
- 30 (4) The juvenile probation officer shall make a
- 31 preliminary determination as to whether the report, affidavit,

1 or complaint is complete, consulting with the state attorney
2 as may be necessary. In any case where the juvenile probation
3 officer or the state attorney finds that the report,
4 affidavit, or complaint is insufficient by the standards for a
5 probable cause affidavit, the juvenile probation officer or
6 state attorney shall return the report, affidavit, or
7 complaint, without delay, to the person or agency originating
8 the report, affidavit, or complaint or having knowledge of the
9 facts or to the appropriate law enforcement agency having
10 investigative jurisdiction of the offense, and shall request,
11 and the person or agency shall promptly furnish, additional
12 information in order to comply with the standards for a
13 probable cause affidavit.

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

- 23 1. File a petition for dependency;
- 24 2. File a petition pursuant to chapter 984;
- 25 3. File a petition for delinquency;
- 26 4. File a petition for delinquency with a motion to
27 transfer and certify the child for prosecution as an adult;
- 28 5. File an information pursuant to s. 985.227;
- 29 6. Refer the case to a grand jury;
- 30 7. Refer the child to a diversionary, pretrial
31 intervention, arbitration, or mediation program, or to some

1 other treatment or care program if such program commitment is
2 voluntarily accepted by the child or the child's parents or
3 legal guardians; or

4 8. Decline to file.

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

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31