

Bill No. HB 349, 2nd Eng.

Amendment No.

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Silver moved the following amendment:		
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13	Senate Amendment (with title amendment)		
14	Delete everything after the enacting clause		
15			
16	and insert:		
17	Section 1. Section 790.22, Florida Statutes, 1998		
18	Supplement, is amended to read:		
19	790.22 Use of BB guns, air or gas-operated guns, or		
20	electric weapons or devices by minor under 16; limitation;		
21	possession of firearms by minor under 18 prohibited;		
22	penalties.--		
23	(1) The use for any purpose whatsoever of BB guns, air		
24	or gas-operated guns, or electric weapons or devices, by any		
25	minor under the age of 16 years is prohibited unless such use		
26	is under the supervision and in the presence of an adult who		
27	is acting with the consent of the minor's parent.		
28	(2) Any adult responsible for the welfare of any child		
29	under the age of 16 years who knowingly permits such child to		
30	use or have in his or her possession any BB gun, air or		
31	gas-operated gun, electric weapon or device, or firearm in		

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1 violation of the provisions of subsection (1) of this section
2 commits a misdemeanor of the second degree, punishable as
3 provided in s. 775.082 or s. 775.083.

4 (3) A minor under 18 years of age may not possess a
5 firearm, other than an unloaded firearm at his or her home,
6 unless:

7 (a) The minor is engaged in a lawful hunting activity
8 and is:

- 9 1. At least 16 years of age; or
- 10 2. Under 16 years of age and supervised by an adult.

11 (b) The minor is engaged in a lawful marksmanship
12 competition or practice or other lawful recreational shooting
13 activity and is:

- 14 1. At least 16 years of age; or
- 15 2. Under 16 years of age and supervised by an adult

16 who is acting with the consent of the minor's parent or
17 guardian.

18 (c) The firearm is unloaded and is being transported
19 by the minor directly to or from an event authorized in
20 paragraph (a) or paragraph (b).

21 (4)(a) Any parent or guardian of a minor, or other
22 adult responsible for the welfare of a minor, who knowingly
23 and willfully permits the minor to possess a firearm in
24 violation of subsection (3) commits a felony of the third
25 degree, punishable as provided in s. 775.082, s. 775.083, or
26 s. 775.084.

27 (b) Any natural parent or adoptive parent, whether
28 custodial or noncustodial, or any legal guardian or legal
29 custodian of a minor, if that minor possesses a firearm in
30 violation of subsection (3) may, if the court finds it
31 appropriate, be required to participate in classes on

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1 parenting education which are approved by the Department of
2 Juvenile Justice, upon the first conviction of the minor. Upon
3 any subsequent conviction of the minor, the court may, if the
4 court finds it appropriate, require the parent to attend
5 further parent education classes or render community service
6 hours together with the child.

7 (c) No later than July 1, 1994, the district juvenile
8 justice boards or county juvenile justice councils or the
9 Department of Juvenile Justice shall establish appropriate
10 community service programs to be available to the alternative
11 sanctions coordinators of the circuit courts in implementing
12 this subsection. The boards or councils or department shall
13 propose the implementation of a community service program in
14 each circuit, and may submit a circuit plan, to be implemented
15 upon approval of the circuit alternative sanctions
16 coordinator.

17 (d) For the purposes of this section, community
18 service may be provided on public property as well as on
19 private property with the expressed permission of the property
20 owner. Any community service provided on private property is
21 limited to such things as removal of graffiti and restoration
22 of vandalized property.

23 (5)(a) A minor who violates subsection (3) commits a
24 misdemeanor of the first degree; for a first offense, may
25 serve a period of detention of up to 3 days in a secure
26 detention facility;~~and~~, in addition to any other penalty
27 provided by law, shall be required to perform 100 hours of
28 community service;~~and~~:

29 1. If the minor is eligible by reason of age for a
30 driver license or driving privilege, the court shall direct
31 the Department of Highway Safety and Motor Vehicles to revoke

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1 or to withhold issuance of the minor's driver license or
2 driving privilege for up to 1 year.

3 2. If the minor's driver license or driving privilege
4 is under suspension or revocation for any reason, the court
5 shall direct the Department of Highway Safety and Motor
6 Vehicles to extend the period of suspension or revocation by
7 an additional period of up to 1 year.

8 3. If the minor is ineligible by reason of age for a
9 driver license or driving privilege, the court shall direct
10 the Department of Highway Safety and Motor Vehicles to
11 withhold issuance of the minor's driver license or driving
12 privilege for up to 1 year after the date on which the minor
13 would otherwise have become eligible.

14 (b) For a second or subsequent offense, ~~the~~ a minor
15 who violates subsection (3) commits a felony of the third
16 degree and shall serve a period of detention of up to 15 days
17 in a secure detention facility and shall be required to
18 perform not less than 100 nor more than 250 hours of community
19 service, and:

20 1. If the minor is eligible by reason of age for a
21 driver license or driving privilege, the court shall direct
22 the Department of Highway Safety and Motor Vehicles to revoke
23 or to withhold issuance of the minor's driver license or
24 driving privilege for up to 2 years.

25 2. If the minor's driver license or driving privilege
26 is under suspension or revocation for any reason, the court
27 shall direct the Department of Highway Safety and Motor
28 Vehicles to extend the period of suspension or revocation by
29 an additional period of up to 2 years.

30 3. If the minor is ineligible by reason of age for a
31 driver license or driving privilege, the court shall direct

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1 the Department of Highway Safety and Motor Vehicles to
2 withhold issuance of the minor's driver license or driving
3 privilege for up to 2 years after the date on which the minor
4 would otherwise have become eligible.

5

6 For the purposes of this subsection, community service shall
7 be performed, if possible, in a manner involving a hospital
8 emergency room or other medical environment that deals on a
9 regular basis with trauma patients and gunshot wounds.

10 (6) Any firearm that is possessed or used by a minor
11 in violation of this section shall be promptly seized by a law
12 enforcement officer and disposed of in accordance with s.
13 790.08(1)-(6).

14 (7) The provisions of this section are supplemental to
15 all other provisions of law relating to the possession, use,
16 or exhibition of a firearm.

17 (8) Notwithstanding s. 985.213 or s. 985.215(1), if a
18 minor under 18 years of age is charged with an offense that
19 involves the use or possession of a firearm, as defined in s.
20 790.001, including ~~other than~~ a violation of subsection (3),
21 or is charged for any offense during the commission of which
22 the minor possessed a firearm, the minor shall be detained in
23 secure detention, unless the state attorney authorizes the
24 release of the minor, and shall be given a hearing within 24
25 hours after being taken into custody. At the hearing, the
26 court may order that the minor continue to be held in secure
27 detention in accordance with the applicable time periods
28 specified in s. 985.215(5), if the court finds that the minor
29 meets the criteria specified in s. 985.215(2), or if the court
30 finds by clear and convincing evidence that the minor is a
31 clear and present danger to himself or herself or the

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1 community. The Department of Juvenile Justice shall prepare a
2 form for all minors charged under this subsection that states
3 the period of detention and the relevant demographic
4 information, including, but not limited to, the sex, age, and
5 race of the minor; whether or not the minor was represented by
6 private counsel or a public defender; the current offense; and
7 the minor's complete prior record, including any pending
8 cases. The form shall be provided to the judge to be
9 considered when determining whether the minor should be
10 continued in secure detention under this subsection. An order
11 placing a minor in secure detention because the minor is a
12 clear and present danger to himself or herself or the
13 community must be in writing, must specify the need for
14 detention and the benefits derived by the minor or the
15 community by placing the minor in secure detention, and must
16 include a copy of the form provided by the department. The
17 Department of Juvenile Justice must send the form, including a
18 copy of any order, without client-identifying information, to
19 the Office of Economic and Demographic Research.

20 (9) Notwithstanding s. 985.214, if the minor is found
21 to have committed an offense that involves the use or
22 possession of a firearm, as defined in s. 790.001, other than
23 a violation of subsection (3), or an offense during the
24 commission of which the minor possessed a firearm, and the
25 minor is not committed to a residential commitment program of
26 the Department of Juvenile Justice, in addition to any other
27 punishment provided by law, the court shall order:

28 (a) For a first offense, that the minor shall serve a
29 minimum ~~mandatory~~ period of detention of 15 ~~5~~ days in a secure
30 detention facility; and

31 1. Perform 100 hours of community service; and may-

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1 2. Be placed on community control or in a
2 nonresidential commitment program.

3 (b) For a second or subsequent offense, that the minor
4 shall serve a mandatory period of detention of at least 21 ~~10~~
5 days in a secure detention facility; and

6 1. Perform not less than 100 nor more than 250 hours
7 of community service; and may-

8 2. Be placed on community control or in a
9 nonresidential commitment program.

10

11 The minor shall not receive credit for time served before
12 adjudication. For the purposes of this subsection, community
13 service shall be performed, if possible, in a manner involving
14 a hospital emergency room or other medical environment that
15 deals on a regular basis with trauma patients and gunshot
16 wounds.

17 (10) If a minor is found to have committed an offense
18 under subsection (9), the court shall impose the following
19 penalties in addition to any penalty imposed under paragraph
20 (9)(a) or paragraph (9)(b):

21 (a) For a first offense:

22 1. If the minor is eligible by reason of age for a
23 driver license or driving privilege, the court shall direct
24 the Department of Highway Safety and Motor Vehicles to revoke
25 or to withhold issuance of the minor's driver license or
26 driving privilege for up to 1 year.

27 2. If the minor's driver license or driving privilege
28 is under suspension or revocation for any reason, the court
29 shall direct the Department of Highway Safety and Motor
30 Vehicles to extend the period of suspension or revocation by
31 an additional period for up to 1 year.

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1 3. If the minor is ineligible by reason of age for a
2 driver license or driving privilege, the court shall direct
3 the Department of Highway Safety and Motor Vehicles to
4 withhold issuance of the minor's driver license or driving
5 privilege for up to 1 year after the date on which the minor
6 would otherwise have become eligible.

7 (b) For a second or subsequent offense:

8 1. If the minor is eligible by reason of age for a
9 driver license or driving privilege, the court shall direct
10 the Department of Highway Safety and Motor Vehicles to revoke
11 or to withhold issuance of the minor's driver license or
12 driving privilege for up to 2 years.

13 2. If the minor's driver license or driving privilege
14 is under suspension or revocation for any reason, the court
15 shall direct the Department of Highway Safety and Motor
16 Vehicles to extend the period of suspension or revocation by
17 an additional period for up to 2 years.

18 3. If the minor is ineligible by reason of age for a
19 driver license or driving privilege, the court shall direct
20 the Department of Highway Safety and Motor Vehicles to
21 withhold issuance of the minor's driver license or driving
22 privilege for up to 2 years after the date on which the minor
23 would otherwise have become eligible.

24 Section 2. Section 943.051, Florida Statutes, is
25 amended to read:

26 943.051 Criminal justice information; collection and
27 storage; fingerprinting.--

28 (3)

29 (b) A minor who is charged with or found to have
30 committed the following offenses ~~misdemeanors~~ shall be
31 fingerprinted and the fingerprints shall be submitted to the

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1 department:

- 2 1. Assault, as defined in s. 784.011.
- 3 2. Battery, as defined in s. 784.03.
- 4 3. Carrying a concealed weapon, as defined in s.
- 5 790.01(1).
- 6 4. Unlawful use of destructive devices or bombs, as
- 7 defined in s. 790.1615(1).
- 8 5. Negligent treatment of children, as defined in s.
- 9 827.05.
- 10 6. Assault or battery on a law enforcement officer, a
- 11 firefighter, or other specified officers, as defined in s.
- 12 784.07(2)(a) and (b).
- 13 7. Open carrying of a weapon, as defined in s.
- 14 790.053.
- 15 8. Exposure of sexual organs, as defined in s. 800.03.
- 16 9. Unlawful possession of a firearm, as defined in s.
- 17 790.22(5).
- 18 10. Petit theft, as defined in s. 812.014(3).
- 19 11. Cruelty to animals, as defined in s. 828.12(1).
- 20 12. Arson, as defined in s. 806.031(1).
- 21 13. Unlawful possession or discharge of a weapon or
- 22 firearm at a school-sponsored event or on school property as
- 23 defined in s. 790.115.

24 Section 3. Paragraph (b) of subsection (1) of Section
25 985.212, Florida Statutes, is amended to read:

26 985.212 Fingerprinting and photographing.--

27 (1)

28 (b) A child who is charged with or found to have
29 committed one of the following offenses ~~misdemeanors~~ shall be
30 fingerprinted and the fingerprints shall be submitted to the
31 Department of Law Enforcement as provided in s. 943.051(3)(b):

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- 1 1. Assault, as defined in s. 784.011.
- 2 2. Battery, as defined in s. 784.03.
- 3 3. Carrying a concealed weapon, as defined in s.
- 4 790.01(1).
- 5 4. Unlawful use of destructive devices or bombs, as
- 6 defined in s. 790.1615(1).
- 7 5. Negligent treatment of children, as defined in
- 8 former s. 827.05.
- 9 6. Assault on a law enforcement officer, a
- 10 firefighter, or other specified officers, as defined in s.
- 11 784.07(2)(a).
- 12 7. Open carrying of a weapon, as defined in s.
- 13 790.053.
- 14 8. Exposure of sexual organs, as defined in s. 800.03.
- 15 9. Unlawful possession of a firearm, as defined in s.
- 16 790.22(5).
- 17 10. Petit theft, as defined in s. 812.014.
- 18 11. Cruelty to animals, as defined in s. 828.12(1).
- 19 12. Arson, resulting in bodily harm to a firefighter,
- 20 as defined in s. 806.031(1).
- 21 13. Unlawful possession or discharge of a weapon or
- 22 firearm at a school-sponsored event or on school property as
- 23 defined in s. 790.115.

24

25 A law enforcement agency may fingerprint and photograph a

26 child taken into custody upon probable cause that such child

27 has committed any other violation of law, as the agency deems

28 appropriate. Such fingerprint records and photographs shall be

29 retained by the law enforcement agency in a separate file, and

30 these records and all copies thereof must be marked "Juvenile

31 Confidential." These records shall not be available for public

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1 disclosure and inspection under s. 119.07(1) except as
2 provided in ss. 943.053 and 985.04(5), but shall be available
3 to other law enforcement agencies, criminal justice agencies,
4 state attorneys, the courts, the child, the parents or legal
5 custodians of the child, their attorneys, and any other person
6 authorized by the court to have access to such records. These
7 records may, in the discretion of the court, be open to
8 inspection by anyone upon a showing of cause. The fingerprint
9 and photograph records shall be produced in the court whenever
10 directed by the court. Any photograph taken pursuant to this
11 section may be shown by a law enforcement officer to any
12 victim or witness of a crime for the purpose of identifying
13 the person who committed such crime.

14 Section 4. Section 790.115, Florida Statutes, is
15 amended to read:

16 790.115 Possessing or discharging weapons or firearms
17 at a school-sponsored event or on school property prohibited;
18 penalties; exceptions.--

19 (1) A person who exhibits any sword, sword cane,
20 firearm, electric weapon or device, destructive device, or
21 other weapon, including a razor blade, box cutter, or knife,
22 except as authorized in support of school-sanctioned
23 activities, in the presence of one or more persons in a rude,
24 careless, angry, or threatening manner and not in lawful
25 self-defense, at a school-sponsored event or on the grounds or
26 facilities of any school, school bus, or school bus stop, or
27 within 1,000 feet of the real property that comprises a public
28 or private elementary school, middle school, or secondary
29 school, during school hours or during the time of a sanctioned
30 school activity, commits a felony of the third degree,
31 punishable as provided in s. 775.082, s. 775.083, or s.

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1 775.084. This subsection does not apply to the exhibition of a
2 firearm or weapon on private real property within 1,000 feet
3 of a school by the owner of such property or by a person whose
4 presence on such property has been authorized, licensed, or
5 invited by the owner.

6 (2)(a) A person shall not possess any firearm,
7 electric weapon or device, destructive device, or other
8 weapon, including a razor blade, box cutter, or knife, except
9 as authorized in support of school-sanctioned activities, at a
10 school-sponsored event or on the property of any school,
11 school bus, or school bus stop; however, a person may carry a
12 firearm:

13 1. In a case to a firearms program, class or function
14 which has been approved in advance by the principal or chief
15 administrative officer of the school as a program or class to
16 which firearms could be carried;

17 2. In a case to a vocational school having a firearms
18 training range; or

19 3. In a vehicle pursuant to s. 790.25(5); except that
20 school districts may adopt written and published policies that
21 waive the exception in this subparagraph for purposes of
22 student and campus parking privileges.

23
24 For the purposes of this section, "school" means any
25 preschool, elementary school, middle school, junior high
26 school, secondary school, vocational school, or postsecondary
27 school, whether public or nonpublic.

28 (b) A person who willfully and knowingly possesses any
29 electric weapon or device, destructive device, or other
30 weapon, including a razor blade, box cutter, or knife, except
31 as authorized in support of school-sanctioned activities, in

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1 violation of this subsection commits a felony of the third
2 degree, punishable as provided in s. 775.082, s. 775.083, or
3 s. 775.084.

4 (c)1. A person who willfully and knowingly possesses
5 any firearm in violation of this subsection commits a felony
6 of the third degree, punishable as provided in s. 775.082, s.
7 775.083, or s. 775.084.

8 2. A person who stores or leaves a loaded firearm
9 within the reach or easy access of a minor who obtains the
10 firearm and commits a violation of subparagraph 1. commits a
11 misdemeanor of the second degree, punishable as provided in s.
12 775.082 or s. 775.083; except that this does not apply if the
13 firearm was stored or left in a securely locked box or
14 container or in a location which a reasonable person would
15 have believed to be secure, or was securely locked with a
16 firearm-mounted push-button combination lock or a trigger
17 lock; if the minor obtains the firearm as a result of an
18 unlawful entry by any person; or to members of the Armed
19 Forces, National Guard, or State Militia, or to police or
20 other law enforcement officers, with respect to firearm
21 possession by a minor which occurs during or incidental to the
22 performance of their official duties.

23 (d) A person who discharges any weapon or firearm
24 while in violation of paragraph (a), unless discharged for
25 lawful defense of himself or herself or another or for a
26 lawful purpose, commits a felony of the second degree,
27 punishable as provided in s. 775.082, s. 775.083, or s.
28 775.084.

29 (e) The penalties of this subsection shall not apply
30 to persons licensed under s. 790.06. Persons licensed under
31 s. 790.06 shall be punished as provided in s. 790.06(12),

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1 except that a licenseholder who unlawfully discharges a weapon
2 or firearm on school property as prohibited by this subsection
3 commits a felony of the second degree, punishable as provided
4 in s. 775.082, s. 775.083, or s. 775.084.

5 (3) This section does not apply to any law enforcement
6 officer as defined in s. 943.10(1), (2), (3), (4), (6), (7),
7 (8), (9), or (14).

8 (4) Notwithstanding s. 985.213, s. 985.214, or s.
9 985.215(1), any minor under 18 years of age who is charged
10 under this section with possessing or discharging a firearm on
11 school property shall be detained in secure detention, unless
12 the state attorney authorizes the release of the minor, and
13 shall be given a probable cause hearing within 24 hours after
14 being taken into custody. At the hearing, the court may order
15 that the minor continue to be held in secure detention for a
16 period of 21 days, during which time the minor shall receive
17 medical, psychiatric, psychological, or substance abuse
18 examinations pursuant to s. 985.224 and a written report shall
19 be completed.

20 Section 5. Paragraph (b) of subsection (1) and
21 subsection (2) of section 985.215, Florida Statutes, 1998
22 Supplement, are amended to read:

23 985.215 Detention.--

24 (1) The juvenile probation officer shall receive
25 custody of a child who has been taken into custody from the
26 law enforcement agency and shall review the facts in the law
27 enforcement report or probable cause affidavit and make such
28 further inquiry as may be necessary to determine whether
29 detention care is required.

30 (b) The juvenile probation officer shall base the
31 decision whether or not to place the child into secure

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1 detention care, home detention care, or nonsecure detention
2 care on an assessment of risk in accordance with the risk
3 assessment instrument and procedures developed by the
4 Department of Juvenile Justice under s. 985.213. However, a
5 child charged with possessing or discharging a firearm on
6 school property in violation of s. 790.115 shall be placed in
7 secure detention care.

8
9 Under no circumstances shall the juvenile probation officer or
10 the state attorney or law enforcement officer authorize the
11 detention of any child in a jail or other facility intended or
12 used for the detention of adults, without an order of the
13 court.

14 (2) Subject to the provisions of subsection (1), a
15 child taken into custody and placed into nonsecure or home
16 detention care or detained in secure detention care prior to a
17 detention hearing may continue to be detained by the court if:

18 (a) The child is alleged to be an escapee or an
19 absconder from a commitment program, a community control
20 program, furlough, or aftercare supervision, or is alleged to
21 have escaped while being lawfully transported to or from such
22 program or supervision.

23 (b) The child is wanted in another jurisdiction for an
24 offense which, if committed by an adult, would be a felony.

25 (c) The child is charged with a delinquent act or
26 violation of law and requests in writing through legal counsel
27 to be detained for protection from an imminent physical threat
28 to his or her personal safety.

29 (d) The child is charged with committing an offense of
30 domestic violence as defined in s. 741.28(1) and is detained
31 as provided in s. 985.213(2)(b)3.

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1 (e) The child is charged with possession or
2 discharging a firearm on school property in violation of
3 790.115.

4 ~~(f)(e)~~ The child is charged with a capital felony, a
5 life felony, a felony of the first degree, a felony of the
6 second degree that does not involve a violation of chapter
7 893, or a felony of the third degree that is also a crime of
8 violence, including any such offense involving the use or
9 possession of a firearm.

10 ~~(g)(f)~~ The child is charged with any second degree or
11 third degree felony involving a violation of chapter 893 or
12 any third degree felony that is not also a crime of violence,
13 and the child:

14 1. Has a record of failure to appear at court hearings
15 after being properly notified in accordance with the Rules of
16 Juvenile Procedure;

17 2. Has a record of law violations prior to court
18 hearings;

19 3. Has already been detained or has been released and
20 is awaiting final disposition of the case;

21 4. Has a record of violent conduct resulting in
22 physical injury to others; or

23 5. Is found to have been in possession of a firearm.

24 ~~(h)(g)~~ The child is alleged to have violated the
25 conditions of the child's community control or aftercare
26 supervision. However, a child detained under this paragraph
27 may be held only in a consequence unit as provided in s.
28 985.231(1)(a)1.c. If a consequence unit is not available, the
29 child shall be placed on home detention with electronic
30 monitoring.

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1 A child who meets any of these criteria and who is ordered to
2 be detained pursuant to this subsection shall be given a
3 hearing within 24 hours after being taken into custody. The
4 purpose of the detention hearing is to determine the existence
5 of probable cause that the child has committed the delinquent
6 act or violation of law with which he or she is charged and
7 the need for continued detention. Unless a child is detained
8 under paragraph (d) or paragraph (e), the court shall utilize
9 the results of the risk assessment performed by the juvenile
10 probation officer and, based on the criteria in this
11 subsection, shall determine the need for continued detention.
12 A child placed into secure, nonsecure, or home detention care
13 may continue to be so detained by the court pursuant to this
14 subsection. If the court orders a placement more restrictive
15 than indicated by the results of the risk assessment
16 instrument, the court shall state, in writing, clear and
17 convincing reasons for such placement. Except as provided in
18 s. 790.22(8) or in subparagraph (10)(a)2., paragraph (10)(b),
19 paragraph (10)(c), or paragraph (10)(d), when a child is
20 placed into secure or nonsecure detention care, or into a
21 respite home or other placement pursuant to a court order
22 following a hearing, the court order must include specific
23 instructions that direct the release of the child from such
24 placement no later than 5 p.m. on the last day of the
25 detention period specified in paragraph (5)(b) or paragraph
26 (5)(c), or subparagraph (10)(a)1., whichever is applicable,
27 unless the requirements of such applicable provision have been
28 met or an order of continuance has been granted pursuant to
29 paragraph (5)(d).

30 Section 6. Paragraph (a) of subsection (1) of section
31 985.227, Florida Statutes, is amended to read:

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1 985.227 Prosecution of juveniles as adults by the
 2 direct filing of an information in the criminal division of
 3 the circuit court; discretionary criteria; mandatory
 4 criteria.--
 5 (1) DISCRETIONARY DIRECT FILE; CRITERIA.--
 6 (a) With respect to any child who was 14 or 15 years
 7 of age at the time the alleged offense was committed, the
 8 state attorney may file an information when in the state
 9 attorney's judgment and discretion the public interest
 10 requires that adult sanctions be considered or imposed and
 11 when the offense charged is:
 12 1. Arson;
 13 2. Sexual battery;
 14 3. Robbery;
 15 4. Kidnapping;
 16 5. Aggravated child abuse;
 17 6. Aggravated assault;
 18 7. Aggravated stalking;
 19 8. Murder;
 20 9. Manslaughter;
 21 10. Unlawful throwing, placing, or discharging of a
 22 destructive device or bomb;
 23 11. Armed burglary in violation of s. 810.02(2)(b) or
 24 specified burglary of a dwelling or structure in violation of
 25 s. 810.02(2)(c);
 26 12. Aggravated battery;
 27 13. Lewd or lascivious assault or act in the presence
 28 of a child;
 29 14. Carrying, displaying, using, threatening, or
 30 attempting to use a weapon or firearm during the commission of
 31 a felony; ~~or~~

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1 15. Grand theft in violation of s. 812.014(2)(a); or-
 2 16. Possessing or discharging any weapon or firearm on
 3 school property in violation of s. 790.115.

4 Section 7. This act shall take effect October 1, 1999.

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7 ===== T I T L E A M E N D M E N T =====

8 And the title is amended as follows:

9 Delete everything before the enacting clause, title

10

11 and insert:

12

 A bill to be entitled

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 An act relating to weapons and firearms;
 14 amending s. 790.22, F.S.; relating to certain
 15 offenses involving use or possession of a
 16 firearm by a minor or offenses during the
 17 commission of which the minor possessed a
 18 firearm; authorizing secure detention for a
 19 first offense of possession of a firearm by a
 20 minor, providing that possession of a firearm
 21 by a minor for a second or subsequent offense
 22 constitutes a felony of the third degree
 23 instead of a misdemeanor of the first degree;
 24 authorizing secure detention for a specified
 25 period; providing or revising penalties for
 26 specified offenses; requiring secure detention
 27 for specified periods, or increasing detention
 28 periods imposed, for commission of specified
 29 initial, second, or subsequent offenses;
 30 providing for performance of community service
 31 in a manner involving a hospital emergency room

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1 or other medical environment dealing on a
2 regular basis with trauma patients and gunshot
3 wounds; providing that the minor offender may
4 not receive credit for time served before
5 adjudication of certain offenses; amending ss.
6 943.051(3)(b); and 985.212(1)(b), F.S.,
7 relating to criminal justice information and
8 fingerprinting; amending s. 790.115, F.S.;
9 prohibiting the possession or discharging
10 firearms at a school-sponsored event, requiring
11 a minor charged with certain activities to be
12 detained in secure detention; requiring a
13 hearing within a time certain; authorizing a
14 court to order continued secure detention for a
15 certain period; providing requirements for such
16 detention; amending s. 985.215, F.S.; requiring
17 secure detention care placement for a child
18 charged with certain activities; authorizing a
19 court to continue detaining a child charged
20 with certain activities; amending s. 985.227,
21 F.S.; providing for discretionary direct file
22 for the offense of possessing or discharging
23 firearms on school property; providing an
24 effective date.

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