

Amendment No. 01 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

11 Representative(s) Ryan, Barreiro, Prieguez, Heyman & Kyle  
12 offered the following:

14 **Amendment (with title amendment)**

15 Remove from the bill: Everything after the enacting clause  
16  
17 and insert in lieu thereof:

18 Section 1. Paragraph (d) is added to subsection (2) of  
19 section 985.227, Florida Statutes, to read:

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

24 (2) MANDATORY DIRECT FILE.--

25 (d)1. With respect to any child who was 16 or 17 years  
26 of age at the time the alleged offense was committed, the  
27 state attorney shall file an information if the child has been  
28 charged with committing or attempting to commit an offense  
29 listed in s. 775.087(2)(a)1.a.-q., and, during the commission  
30 of or attempt to commit the offense, the child:

31 a. Actually possessed a firearm or destructive device,

1 as those terms are defined in s. 790.001.

2 b. Discharged a firearm or destructive device, as  
3 described in s. 775.087(2)(a)2.

4 c. Discharged a firearm or destructive device, as  
5 described in s. 775.087(2)(a)3., and, as a result of the  
6 discharge, death or great bodily harm was inflicted upon any  
7 person.

8 2. Upon transfer, any child who is:

9 a. Charged pursuant to subparagraph 1.a. and who has  
10 been previously adjudicated or had adjudication withheld for a  
11 forcible felony offense or any offense involving a firearm, or  
12 who has been previously placed in a residential commitment  
13 program, shall be subject to sentencing under s.  
14 775.087(2)(a), notwithstanding s. 985.233.

15 b. Charged pursuant to subparagraph 1.b. or  
16 subparagraph 1.c., shall be subject to sentencing under s.  
17 775.087(2)(a), notwithstanding s. 985.233.

18 3. Upon transfer, any child who is charged pursuant to  
19 this paragraph, but who does not meet the requirements  
20 specified in subparagraph 2., shall be sentenced pursuant to  
21 s. 985.233; however, if the court imposes a juvenile sanction,  
22 the court must commit the child to a high-risk or maximum-risk  
23 juvenile facility.

24 4. This paragraph shall not apply if the state  
25 attorney has good cause to believe that exceptional  
26 circumstances exist which preclude the just prosecution of the  
27 child in adult court.

28 5. The Department of Corrections shall make every  
29 reasonable effort to ensure that any child 16 or 17 years of  
30 age who is convicted and sentenced under this paragraph be  
31 completely separated such that there is no physical contact

1 with adult offenders in the facility, to the extent that it is  
2 consistent with chapter 958.

3 Section 2. The Department of Corrections may spend up  
4 to \$300,000 from resources available from the department's  
5 appropriation for the 1999-2000 fiscal year to provide  
6 statewide public service announcements to advertise the  
7 penalties provided in s. 985.227(2)(d), Florida Statutes.

8 Section 3. This act shall take effect October 1, 2000.  
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11 ===== T I T L E A M E N D M E N T =====

12 And the title is amended as follows:

13 On page 1, lines 2 through 15  
14 remove the entire title of the bill:

15

16 and insert in lieu thereof:

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A bill to be entitled

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An act relating to the prosecution of

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juveniles; amending s. 985.227, F.S.; requiring

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that the state attorney prosecute a juvenile

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between certain ages as an adult if the

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juvenile is charged with a specified violent

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felony and possessed a firearm or destructive

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device during the commission of the felony in

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certain circumstances or discharged a firearm

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or destructive device during the commission of

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the felony which resulted in death or great

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bodily harm; providing for a juvenile convicted

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under the act to be sentenced as an adult in

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certain circumstances; specifying circumstances

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in which the provisions of this act do not

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apply; authorizing the Department of  
Corrections to spend allocated resources to  
advertise the penalties provided in this act;  
providing an effective date.