

By Senator Brown-Waite

10-978-00

1 A bill to be entitled
2 An act relating to the prosecution of
3 juveniles; amending s. 985.227, F.S.; requiring
4 that the state attorney prosecute a juvenile
5 between certain ages as an adult if the
6 juvenile is charged with a specified violent
7 felony and possessed a firearm or destructive
8 device during the commission of the felony or
9 discharged a firearm or destructive device
10 during the commission of the felony which
11 resulted in death or great bodily harm;
12 providing for a juvenile convicted under the
13 act to be sentenced as an adult; providing an
14 effective date.

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

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18 Section 1. Subsection (2) of section 985.227, Florida
19 Statutes, is amended 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 (a) 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 previously adjudicated delinquent for an act classified as a
29 felony, which adjudication was for the commission of, attempt
30 to commit, or conspiracy to commit murder, sexual battery,
31 armed or strong-armed robbery, carjacking, home-invasion

1 robbery, aggravated battery, or aggravated assault, and the
2 child is currently charged with a second or subsequent violent
3 crime against a person.

4 (b) Notwithstanding subsection (1), regardless of the
5 child's age at the time the alleged offense was committed, the
6 state attorney must file an information with respect to any
7 child who previously has been adjudicated for offenses which,
8 if committed by an adult, would be felonies and such
9 adjudications occurred at three or more separate delinquency
10 adjudicatory hearings, and three of which resulted in
11 residential commitments as defined in s. 985.03(47).

12 (c) The state attorney must file an information if a
13 child, regardless of the child's age at the time the alleged
14 offense was committed, is alleged to have committed an act
15 that would be a violation of law if the child were an adult,
16 that involves stealing a motor vehicle, including, but not
17 limited to, a violation of s. 812.133, relating to carjacking,
18 or s. 812.014(2)(c)6., relating to grand theft of a motor
19 vehicle, and while the child was in possession of the stolen
20 motor vehicle the child caused serious bodily injury to or the
21 death of a person who was not involved in the underlying
22 offense. For purposes of this section, the driver and all
23 willing passengers in the stolen motor vehicle at the time
24 such serious bodily injury or death is inflicted shall also be
25 subject to mandatory transfer to adult court. "Stolen motor
26 vehicle," for the purposes of this section, means a motor
27 vehicle that has been the subject of any criminal wrongful
28 taking. For purposes of this section, "willing passengers"
29 means all willing passengers who have participated in the
30 underlying offense.

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1 (d)1. With respect to any child who was 16 or 17 years
2 of age at the time the alleged offense was committed, the
3 state attorney shall file an information if the child has been
4 charged with an offense listed in s. 775.087(2)(a)1.a.-g.,
5 and, during the commission of the offense, the child:

6 a. Actually possessed a firearm or destructive device,
7 as those terms are defined in s. 790.001.

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

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

14 2. Upon transfer, the child shall be subject to
15 prosecution under s. 775.087(2)(a).

16 Section 2. This act shall take effect October 1, 2000.

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19 SENATE SUMMARY

20 Requires that a juvenile who is 16 or 17 years of age be
21 prosecuted and sentenced as an adult if the juvenile is
22 charged with a violent felony and, at the time of
23 committing the felony, possessed a firearm or destructive
24 device, discharged a firearm or destructive device, or
25 discharged a firearm or destructive device which resulted
26 in death or great bodily harm.
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