

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,

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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 (1)(c),
16 shall be subject to sentencing under s. 775.087(2)(a),
17 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 child is sentenced as a juvenile,
22 the sentence must be to a high or maximum risk juvenile
23 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 section be
31 completely separated such that there is no physical contact

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1 with adult offenders in the facility, including in hallways
2 and in sleeping, dining, recreation, educational, vocational,
3 and healthcare areas, until the offender sentenced under this
4 section is an adult.

5 Section 2. The Department of Corrections may spend up
6 to \$300,000 from resources available from the department's
7 appropriation for the 1999-2000 fiscal year to provide
8 statewide public service announcements to advertise the
9 penalties provided in this paragraph.

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

13 And the title is amended as follows:

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

16

17 and insert in lieu thereof:

18 An act relating to the prosecution of
19 juveniles; amending s. 985.227, F.S.; requiring
20 that the state attorney prosecute a juvenile
21 between certain ages as an adult if the
22 juvenile is charged with a specified violent
23 felony and possessed a firearm or destructive
24 device during the commission of the felony in
25 certain circumstances or discharged a firearm
26 or destructive device during the commission of
27 the felony which resulted in death or great
28 bodily harm; providing for a juvenile convicted
29 under the act to be sentenced as an adult in
30 certain circumstances; specifying circumstances
31 in which the provisions of this act do not

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