

By the Committee on Criminal Justice and Senator Brown-Waite

307-1809-00

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A bill to be entitled
An act relating to the crime of contributing to
the delinquency or dependency of a child;
amending s. 827.04, F.S.; defining the terms
"child in need of services," "delinquent
child," and "dependent child"; providing an
effective date.

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

Section 1. Section 827.04, Florida Statutes, is
amended to read:

827.04 Contributing to the delinquency or dependency
of a child; penalty.--

(1) As used in this section, the term:

(a) "Child in need of services" has the meaning
assigned to that term in s. 984.03.

(b) "Delinquent child" has the meaning assigned to the
term "child who has been found to have committed a delinquent
act" in s. 985.03.

(c) "Dependent child" has the meaning assigned to the
term "child who is found to be dependent" in s. 39.01.

(2)~~(1)~~ Any person who:

(a) Commits any act which causes, tends to cause,
encourages, or contributes to a child becoming a delinquent or
dependent child or a child in need of services; or

(b) Induces or endeavors to induce, by act, threat,
command, or persuasion, a child to commit or perform any act,
follow any course of conduct, or live in a manner that causes
or tends to cause such child to become or to remain a
dependent or delinquent child or a child in need of services,

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2 commits a misdemeanor of the first degree, punishable as
3 provided in s. 775.082 or s. 775.083.

4 (3)~~(2)~~ It is not necessary for any court exercising
5 juvenile jurisdiction to make an adjudication that any child
6 is delinquent or dependent or a child in need of services in
7 order to prosecute a violation of this section. An
8 adjudication that a child is delinquent or dependent or a
9 child in need of services shall not preclude a subsequent
10 prosecution of a violation of this section.

11 (4)~~(3)~~ A person 21 years of age or older who
12 impregnates a child under 16 years of age commits an act of
13 child abuse which constitutes a felony of the third degree,
14 punishable as provided in s. 775.082, s. 775.083, or s.
15 775.084. A person who impregnates a child in violation of this
16 subsection commits an offense under this subsection regardless
17 of whether the person is found to have committed, or has been
18 charged with or prosecuted for, any other offense committed
19 during the course of the same criminal transaction or episode,
20 including, but not limited to, an offense proscribed under s.
21 800.04, relating to lewd, lascivious, or indecent assault or
22 act upon any person under 16 years of age. Neither the
23 victim's lack of chastity nor the victim's consent is a
24 defense to the crime proscribed under this subsection.

25 Section 2. This act shall take effect July 1, 2000.

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27 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
28 COMMITTEE SUBSTITUTE FOR
29 Senate Bill 1854

30 Makes technical changes by revising the statutory reference
31 for delinquent child to the definition contained in chapter
985 and by removing unnecessary language to make the
legislative intent clear.