

By Representative Barreiro

1 A bill to be entitled
 2 An act relating to juvenile sentencing;
 3 amending s. 985.233, F.S.; revising sentencing
 4 alternatives for juveniles under certain
 5 circumstances; providing procedures and
 6 requirements for juvenile community control and
 7 juvenile commitment; providing for a
 8 combination of juvenile and adult sanctions
 9 under certain circumstances; authorizing courts
 10 to order juveniles to attain certain
 11 educational goals under certain circumstances;
 12 providing an effective date.

13
 14 Be It Enacted by the Legislature of the State of Florida:

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 16 Section 1. Paragraph (b) of subsection (4) of section
 17 985.233, Florida Statutes, is amended to read:

18 985.233 Sentencing powers; procedures; alternatives
 19 for juveniles prosecuted as adults.--

20 (4) SENTENCING ALTERNATIVES.--

21 (b) Sentencing to juvenile sanctions.--In order to use
 22 this paragraph, the court shall stay adjudication of guilt and
 23 instead shall adjudge the child to have committed a delinquent
 24 act. Adjudication of delinquency shall not be deemed a
 25 conviction, nor shall it operate to impose any of the civil
 26 disabilities ordinarily resulting from a conviction. The court
 27 shall impose ~~an adult sanction or~~ a juvenile sanction or ~~and~~
 28 ~~may not~~ sentence the child to a combination of adult and
 29 juvenile sanctions ~~punishments~~. ~~An adult sanction or~~ A
 30 juvenile sanction or a combination of adult and juvenile
 31 sanctions may include enforcement of an order of restitution

1 or community control previously ordered in any juvenile
2 proceeding. However, if the court imposes a juvenile sanction
3 and the department determines that the sanction is
4 inappropriate ~~unsuitable~~ for the child, the department shall
5 provide the sentencing court with a written report outlining
6 the basis for its objections to the juvenile sanction and
7 shall simultaneously provide a copy of the report to the State
8 Attorney's Office and the defense counsel. The department
9 shall return custody of the child to the sentencing court for
10 further proceedings, including the imposition of alternative
11 juvenile sanctions, a combination of adult and juvenile
12 sanctions, or adult sanctions.

13 1. Alternative sanctions.--Upon adjudicating a child
14 delinquent under subsection (1), the court may sentence the
15 child to juvenile community control, juvenile commitment, or a
16 combination of adult and juvenile sanctions, or order
17 disposition pursuant to s. 985.231 as an alternative to
18 youthful offender or adult sentencing if the court determines
19 not to impose youthful offender or adult sanctions.†

20 a.†. Juvenile community control.--The court may place
21 the child in a community control program under the supervision
22 of the department for an indeterminate period of time until
23 the child reaches the age of 21 ~~19~~ years or sooner if
24 discharged by order of the court. If at any time prior to the
25 child's 21st birthday the department seeks to discharge the
26 child from juvenile community control, the department shall
27 notify the court of its intent to discharge by filing a
28 written notice with the clerk of the court, provide the
29 presiding judge, the State Attorney's Office, and the defense
30 counsel with a copy of the notice, and schedule a hearing
31 within 30 days.

1 b.2. Juvenile commitment.--The court may commit the
2 child to the department for treatment in an appropriate
3 program for children for an indeterminate period of time until
4 the child is 21 or sooner if discharged by order of the
5 ~~court~~department. If at any time prior to the child's 21st
6 birthday the department seeks to discharge the child from a
7 commitment or after-care program,the department shall notify
8 the court of its intent to discharge by filing a written
9 notice with the clerk of the court, provide the presiding
10 judge, the State Attorney's Office, and the defense counsel
11 with a copy of the notice, and schedule a hearing within 30
12 days ~~no later than 14 days prior to discharge. Failure of the~~
13 ~~court to timely respond to the department's notice shall be~~
14 ~~considered approval for discharge.~~

15 c. Combination of juvenile and adult sanctions.--The
16 court may commit the child to the department for treatment in
17 an appropriate program for children for an indeterminate
18 period of time until the child is 21 or sooner if discharged
19 by order of the court, followed by probation under the
20 supervision of the Department of Corrections. If at any time
21 prior to the child's 21st birthday, the department seeks to
22 discharge the child from the commitment program, the
23 department shall notify the court by filing with the clerk of
24 the court a written notice of intent to discharge, provide the
25 presiding judge, the Department of Corrections, the State
26 Attorney's office, and the defense counsel with a copy of the
27 notice, and schedule a hearing within 30 days. An order to
28 discharge shall not be entered until the Department of
29 Corrections has met with the child and explained the terms of
30 probation.

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1 2. Educational attainment.--Upon sentencing a child to
2 juvenile sanctions or a combination of adult and juvenile
3 sanctions under subsection (1), the court shall consider the
4 educational needs assessment conducted pursuant to s.
5 985.224(1) and (2) and make a finding as to the child's
6 educational status, including, but not limited to, the child's
7 strengths, abilities, and unmet and special educational needs.
8 The court may enter an order, as a condition of probation,
9 juvenile community control, or commitment, that the child
10 attain an appropriate educational goal. Examples of
11 appropriate educational goals are:
12 a. Attainment of a high school diploma or its
13 equivalent.
14 b. Successful completion of literacy course(s).
15 c. Successful completion of vocational course(s).
16 d. Successful attendance and completion of the child's
17 current grade if enrolled in school.
18 e. Enrollment in an apprenticeship or a similar
19 program.
20 ~~3. Order disposition pursuant to s. 985.231 as an~~
21 ~~alternative to youthful offender or adult sentencing if the~~
22 ~~court determines not to impose youthful offender or adult~~
23 ~~sanctions.~~
24
25 It is the intent of the Legislature that the criteria and
26 guidelines in this subsection are mandatory and that a
27 determination of disposition under this subsection is subject
28 to the right of the child to appellate review under s.
29 985.234.
30 Section 2. This act shall take effect October 1, 2000.
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HOUSE SUMMARY

Revises sentencing alternatives for juveniles to provide procedures and requirements for juvenile community control and juvenile commitment and provides for a combination of juvenile and adult sanctions. Authorizes courts to order juveniles to attain appropriate educational goals as a condition of probation.