

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

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Smith offered the following:

Amendment (with title amendment)

On page 2, between lines 5 & 6,

insert:

Section 3. Subsection (3) of section 985.225, Florida Statutes, is amended to read:

985.225 Indictment of a juvenile.--

(3) If the child is found to have committed the offense punishable by death or by life imprisonment, the child shall be sentenced as an adult. If the juvenile is not found to have committed the indictable offense but is found to have committed a lesser included offense or any other offense for which he or she was indicted as a part of the criminal episode, the court may sentence pursuant to s. 985.233.

However, in cases where an offense punishable by death or life imprisonment is committed by a child under the age of 14 who has not been previously adjudicated delinquent for a violent offense, and the offense involves no more than one victim, the court may impose a sentence pursuant to s. 985.233.

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1 Section 4. Paragraph (a) of subsections (4) of section
2 985.223, Florida Statutes, is amended to read:

3 985.233 Sentencing powers; procedures; alternatives
4 for juveniles prosecuted as adults.--

5 (4) SENTENCING ALTERNATIVES.--

6 (a) Sentencing to adult sanctions.--

7 1. Cases prosecuted on indictment.--If the child is
8 found to have committed the offense punishable by death or
9 life imprisonment, the child shall be sentenced as an adult
10 except in the case where the offense punishable by death or
11 life imprisonment was committed by a child under the age of
12 14, who had not been previously adjudicated delinquent for a
13 violent offense, and the offense involves no more than one
14 victim. If the juvenile is not found to have committed the
15 indictable offense but is found to have committed a lesser
16 included offense or any other offense for which he or she was
17 indicted as a part of the criminal episode, the court may
18 sentence as follows:

19 a. As an adult;

20 b. Pursuant to chapter 958; or

21 c. As a juvenile pursuant to this section.

22 2. Other cases.--If a child who has been transferred
23 for criminal prosecution pursuant to information or waiver of
24 juvenile court jurisdiction is found to have committed a
25 violation of state law or a lesser included offense for which
26 he or she was charged as a part of the criminal episode, the
27 court may sentence as follows:

28 a. As an adult;

29 b. Pursuant to chapter 958; or

30 c. As a juvenile pursuant to this section.

31 3. Notwithstanding any other provision to the

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1 contrary, if the state attorney is required to file a motion
2 to transfer and certify the juvenile for prosecution as an
3 adult pursuant to s. 985.226(2)(b) and that motion is granted,
4 or if the state attorney is required to file an information
5 pursuant to s. 985.227(2)(a) or (b), the court must impose
6 adult sanctions.

7 4. Any sentence imposing adult sanctions is presumed
8 appropriate, and the court is not required to set forth
9 specific findings or enumerate the criteria in this subsection
10 as any basis for its decision to impose adult sanctions.

11 5. When a child has been transferred for criminal
12 prosecution as an adult and has been found to have committed a
13 violation of state law, the disposition of the case may
14 include the enforcement of any restitution ordered in any
15 juvenile proceeding.

16
17 It is the intent of the Legislature that the criteria and
18 guidelines in this subsection are mandatory and that a
19 determination of disposition under this subsection is subject
20 to the right of the child to appellate review under s.
21 985.234.

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

25 And the title is amended as follows:

26 On page 1, line 7, after the semicolon

27

28 insert:

29 amending ss. 983.225 and 985.233, F.S.;

30 providing that certain juveniles under the age

31 of 14 shall be sentenced in a described

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