

By Senator Dawson

30-1394-02

See HB

1 A bill to be entitled
2 An act relating to juvenile justice; amending
3 s. 985.417, F.S.; authorizing the sentencing
4 judge rather than the Secretary of Juvenile
5 Justice to transfer a child from the Department
6 of Corrections to the Department of Juvenile
7 Justice; revising provisions relating to
8 consent for a child to be released on
9 probation; specifying persons who may request a
10 hearing with regard to the child's sentence;
11 providing an effective date.

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

15 Section 1. Section 985.417, Florida Statutes, is
16 amended to read:

17 985.417 Transfer of children from the Department of
18 Corrections to the Department of Juvenile Justice.--

19 (1) When any child under the age of 18 years is
20 sentenced by any court of competent jurisdiction to the
21 Department of Corrections, the sentencing judge ~~Secretary of~~
22 ~~Juvenile Justice~~ may transfer such child to the department for
23 the remainder of the sentence, or until his or her 21st
24 birthday, whichever results in the shorter term. If, upon such
25 person's attaining his or her 21st birthday, the sentence has
26 not terminated, he or she shall be transferred to the
27 Department of Corrections for placement in a youthful offender
28 program, transferred to the supervision of the department, or
29 be given any other transfer that may lawfully be made, except
30 as provided in subsection (6).

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1 (2) If the child is under sentence for a term of
2 years, after the department has supervised him or her for a
3 sufficient length of time to ascertain that he or she has
4 attained satisfactory rehabilitation, the department, upon
5 determination that such action is in the best interests of
6 both the child and society, may relieve the child from making
7 further reports.

8 (3) When the child has, in the opinion of the
9 department, so conducted himself or herself as to deserve a
10 pardon, a commutation of sentence, or the remission in whole
11 or in part of any fine, forfeiture, or penalty, the Secretary
12 of Juvenile Justice may recommend that such clemency be
13 extended to the child. In such case the secretary shall fully
14 advise the Governor of the facts upon which such
15 recommendation is based.

16 (4) The department shall grant gain-time for good
17 conduct, may grant extra good-time allowances, and may declare
18 a forfeiture thereof. If any child who was sentenced pursuant
19 to s. 921.18 is transferred to the department, the department
20 may determine the exact sentence of the child, but the
21 sentence may not be longer than the maximum sentence that was
22 imposed by the court pursuant to s. 921.18. All time spent in
23 the department shall count toward the expiration of sentence.
24 Any child transferred to the department may, at the discretion
25 of the Secretary of Juvenile Justice, be returned to the
26 Department of Corrections.

27 (5) Any child who has been convicted of a capital
28 felony while under the age of 18 years may not be released on
29 probation without the consent of the Governor and ~~three~~
30 ~~members of the~~ Cabinet.
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1 (6) A child transferred pursuant to this section or
2 the natural parent or legal guardian may request a hearing
3 before the sentencing judge to determine the child's
4 rehabilitation and a commutation of sentence, or the remission
5 in whole or in part of any fine, forfeiture, or penalty.

6 Section 2. This act shall take effect October 1, 2002.

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9 HOUSE SUMMARY

10 Authorizes the sentencing judge rather than the Secretary
11 of Juvenile Justice to transfer a child from the
12 Department of Corrections to the Department of Juvenile
13 Justice. Revises provisions relating to consent for a
14 child to be released on probation. Specifies persons who
15 may request a hearing with regard to the child's
16 sentence.
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