

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 2660  
 SPONSOR: Senator Geller  
 SUBJECT: Juvenile Delinquents - Possession of Firearms  
 DATE: March 18, 2004      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cellon	Cannon	CJ	Favorable
2.	_____	_____	JU	_____
3.	_____	_____	ACJ	_____
4.	_____	_____	AP	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**I. Summary:**

Senate Bill 2660 would extend the period of time a person may not possess a firearm or other enumerated weapons, if the person was adjudicated delinquent for an act involving a firearm, electric weapon, or destructive device. The bill also provides for the juvenile’s delinquency record to be retained as part of their adult criminal history records.

This bill substantially amends or reenacts the following sections of the Florida Statutes: 790.01, 790.06, 790.065, 790.23, 943.0515, and 921.0022.

**II. Present Situation:**

Current law prohibits juvenile delinquents who commit felony level offenses from possessing firearms, electric weapons, or tear gas/chemical weapons until they reach the age of 24. If the delinquent is not convicted of a felony after he or she turns 18 years old, then the prohibition against possessing these types of weapons ends at the age of 24. Violation of the law (s. 790.23, F.S.) is a second degree felony.

Current law also requires that juvenile delinquency histories be expunged except under limited circumstances:

- if the person is charged with, or convicted of, a forcible felony after their 18th birthday, the juvenile record must be merged with adult records.
- if, at any time the juvenile is adjudicated as an adult for a forcible felony, the previous juvenile delinquency history must be merged with his or her record as an adjudicated adult.

s. 943.0515, F.S.

### III. Effect of Proposed Changes:

This bill extends the time period a person who has committed certain delinquent acts may not be in possession, custody, or control of a firearm or other weapons, from 24 years of age to ten years after the date of completion of sentence. The delinquent acts that would warrant the extension of the prohibition are acts involving the use of a firearm, an electric weapon or device, or destructive device.

The bill amends s. 790.06, F.S., to incorporate the amendment to s. 790.23, F.S. described above, and include the enumerated delinquent acts as reasons the Department of Agriculture and Consumer Services should deny the applicant a license to carry a concealed weapon or firearm.

The bill also amends the criteria for retention of juvenile delinquent history records in s. 943.0515, F.S. The amendment would require the juvenile's history pertaining to a delinquent act that involved the use of a firearm, electric weapon or device, or destructive device to be retained as part of his or her adult record.

The bill reenacts subsection (5) of s. 790.01, F.S., and paragraph (e) of subsection (3) of s. 921.022, F.S., for the purpose of incorporating the amendments described herein.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

#### B. Public Records/Open Meetings Issues:

None.

#### C. Trust Funds Restrictions:

None.

### V. Economic Impact and Fiscal Note:

#### A. Tax/Fee Issues:

None.

#### B. Private Sector Impact:

Individuals who meet the criteria specified in the bill would be prevented from possessing firearms and other weapons for extended periods of time.

#### C. Government Sector Impact:

The Criminal Justice Impact Conference has not met to assess the potential prison bed impact of this bill. It is presumed that the Department of Law Enforcement may

experience some impact from the change in criminal record-keeping, but this would likely be minor.

**VI. Technical Deficiencies:**

It is suggested that the term of art for a juvenile delinquency “sentence” is “disposition,” therefore, to be consistent with ch. 985, F.S., staff suggests that a technical change be made on page 2, lines 20 and 31.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill’s sponsor or the Florida Senate.

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