

Bill No. CS for SB 646

Barcode 550324

CHAMBER ACTION

Senate

House

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Senator Siplin moved the following amendment:

**Senate Amendment (with title amendment)**

On page 4, between lines 13 and 14,

insert:

Section 3. Present subsections (3), (4), (5), (6), and (7) of section 985.228, Florida Statutes, are redesignated as subsections (4), (5), (6), (7), and (8), respectively, a new subsection (3) is added to that section, and present subsection (5) of that section is amended, to read:

985.228 Adjudicatory hearings; withheld adjudications; orders of adjudication.--

(3) Instruments of restraint, such as handcuffs, chains, irons, or straitjackets, may not be used on a child during an adjudicatory hearing or elsewhere in a courthouse and must be removed when the child appears before the court unless the child:

(a) Is likely to attempt to escape during a transfer or a hearing;

(b) Is charged with a capital offense; or

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1        (c) Has a history of disruptive behavior and there is  
2 a likelihood that the child will cause bodily harm to himself,  
3 herself, or others.

4        ~~(6)(5)~~ If the court finds that the child named in a  
5 petition has committed a delinquent act or violation of law,  
6 but elects not to proceed under subsection~~(5)(4)~~, it shall  
7 incorporate that finding in an order of adjudication of  
8 delinquency entered in the case, briefly stating the facts  
9 upon which the finding is made, and the court shall thereafter  
10 have full authority under this chapter to deal with the child  
11 as adjudicated.

12            Section 4. Paragraph (e) of subsection (3) of section  
13 985.311, Florida Statutes, is amended to read:

14            985.311 Intensive residential treatment program for  
15 offenders less than 13 years of age.--

16            (3) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND  
17 TREATMENT.--

18            (e) After a child has been adjudicated delinquent  
19 under s. 985.228(6) ~~pursuant to s. 985.228(5)~~, the court shall  
20 determine whether the child is eligible for an intensive  
21 residential treatment program for offenders less than 13 years  
22 of age under ~~pursuant to~~ s. 985.03(7). If the court  
23 determines that the child does not meet the criteria, the  
24 provisions of s. 985.231(1) shall apply.

25  
26 (Redesignate subsequent sections.)

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

30 And the title is amended as follows:

31            On page 1, line 8, after the semicolon,

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1 insert:

2           amending s. 985.228, F.S.; prohibiting the use  
3           of instruments of restraint on a child during  
4           an adjudicatory hearing or elsewhere in a  
5           courthouse; providing specified exceptions;  
6           amending s. 985.311, F.S.; correcting a  
7           cross-reference;

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