

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.)

Prepared By: Criminal Justice Committee

BILL: CS/SB 1398

INTRODUCER: Criminal Justice Committee and Senators Smith and Crist

SUBJECT: Youth Custody Officers

DATE: March 30, 2006

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Dugger	Cannon	CJ	Fav/CS
2.	_____	_____	JA	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill would authorize a youth custody officer to take a juvenile into custody who has escaped from a Department of Juvenile Justice (DJJ) facility or absconded from the DJJ's supervision if the officer has the requisite probable cause.

In addition, a youth custody officer would be required to report a new criminal law violation committed by a juvenile and conduct an investigation before delivering the juvenile to a detention center if the officer, while performing his or her duties, takes the juvenile into custody and has the requisite probable cause to believe the juvenile has committed a new law violation. The youth custody officer would also be authorized under the bill to arrest a juvenile who commits a felony or misdemeanor in the youth custody officer's presence while such officer is performing his or her duties of apprehension and investigation.

Finally, a youth custody officer would be given full law enforcement powers granted to other peace officers in Florida, including the authority to make arrests, carry firearms, serve court process, and seize contraband. The only exception to exercising his or her arrest powers would be for a violation of the state traffic control law authorized in ch. 316, F.S., or in s. 901.15(5), F.S.

This bill substantially amends section 985.2075 of the Florida Statutes.

II. Present Situation:

Section 985.2075, F.S., allows a youth custody officer to take a juvenile into custody if the officer has probable cause to believe that the juvenile has violated the conditions of probation, home detention, conditional release, postcommitment probation, or has failed to appear in court

after receiving proper notice. These are the only instances in which a youth custody officer is statutorily authorized to take a juvenile into custody.

When a juvenile commits a misdemeanor or felony offense in the officer's presence, they are not authorized to make an arrest or investigate it during the apprehension process. Instead, they must call a law enforcement officer from the local jurisdiction to make the arrest and conduct the investigation.

The statute requires a youth custody officer to meet minimum qualifications for employment or appointment, be certified under ch. 943, F.S., (law enforcement officer certification) and comply with the continued employment requirements under s. 943.133, F.S. According to the DJJ, there are currently 16 youth custody officer positions assigned to nine judicial circuits (the 1st, 4th, 6th, 9th, 11th, 3th, 15th, 17th, and 18th). Three of these positions are not presently filled. During FY 2004-05, the DJJ states that 3,801 juveniles were apprehended by youth custody officers, resulting in the closure of 4,596 cases.

III. Effect of Proposed Changes:

The bill would authorize a youth custody officer to take a juvenile into custody who has escaped from a DJJ facility (operated by or contracted with the DJJ) or absconded from the DJJ's supervision if the officer has the requisite probable cause.

In addition, a youth custody officer would be required to report a new criminal law violation committed by a juvenile and conduct an investigation before delivering the juvenile to a detention center if the officer, while performing his or her duties, takes the juvenile into custody and has the requisite probable cause to believe the juvenile has committed a new law violation. The youth custody officer would also be authorized under the bill to arrest a juvenile who commits a felony or misdemeanor in the youth custody officer's presence while such officer is performing his or her duties of apprehension and investigation.

Finally, a youth custody officer would be given full law enforcement powers granted to other peace officers in Florida, including the authority to make arrests, carry firearms, serve court process, and seize contraband and the proceeds of illegal activities. The only exception to exercising his or her arrest powers would be for a violation of the state traffic control law authorized in ch. 316, F.S., or in s. 901.15(5), F.S.

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:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

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

VIII. Summary of Amendments:

None.

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