

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: Judiciary Committee

BILL: CS/SB 456

INTRODUCER: Criminal Justice Committee and Senator Wise

SUBJECT: Juvenile Justice

DATE: February 14, 2006

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Dugger</u>	<u>Cannon</u>	<u>CJ</u>	<u>Fav/CS</u>
2.	<u>Cibula</u>	<u>Maclure</u>	<u>JU</u>	<u>Favorable</u>
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill requires electronic monitoring of a juvenile probation violator on home detention if electronic monitoring is funded by the Legislature. If it is not funded, then the requirement for electronic monitoring would become discretionary.

The bill also deletes the requirement for the Department of Juvenile Justice (DJJ) to issue certain reports because the reports' information is also contained in other required reports.

Finally, the bill specifies that escape from a residential commitment facility includes a juvenile's willful failure to return to the facility within the designated time period authorized for a temporary release.

This bill substantially amends the following sections of the Florida Statutes: 985.215, 985.231, 985.31, 985.311, 985.3141, and 985.317.

II. Present Situation:

The Department of Juvenile Justice (DJJ) is not presently funded to provide electronic monitoring to juveniles on home detention, but the law requires that a juvenile who has violated probation be placed on home detention with electronic monitoring, if a consequence unit is not available (consequence units are not currently funded). s. 985.215(2), F.S., and s. 985.231(1)(a), F.S.

There are several reports that the DJJ is required to produce, including the Serious or Habitual Offender Report, the Intensive Residential Treatment Report, and the Literacy Programs for Juvenile Offenders Report. The information in these reports is duplicated in several other

mandated reports, including the Outcome Evaluation Report, the Program Accountability Measures Report, the Quality Assurance Reports, and the Juvenile Justice Education Enhancement Program Annual Report.

The statute making it a third-degree felony to escape from a secure detention or residential commitment facility does not specifically mention a committed juvenile who does not return to his or her residential commitment facility from an approved home visit or other authorized temporary leave. s. 985.3141, F.S. The Third District Court of Appeal in *J.A.G. v. State*, 825 So. 2d 497 (3rd DCA 2002), held that the juvenile escape statute does not include failure to return from a period of temporary release to a residential commitment facility. In addition, last session legislation passed that inadvertently removed references to juveniles who abscond from residential commitment facilities being able to be taken into custody by law enforcement officers. (HB 1917, ch. 2005-263, L.O.F.) This omission has resulted in law enforcement being hampered in its efforts to pick up a juvenile who does not return to his or her residential commitment facility after the approved time period for temporary release has expired.

The bill takes effect on July 1, 2006.

III. Effect of Proposed Changes:

The bill would require electronic monitoring of a juvenile violating his or her probation on home detention if electronic monitoring is funded by the Legislature. If it is not funded, then the requirement for electronic monitoring would become discretionary (currently it is not funded).

The bill would also delete the requirement for the Department of Juvenile Justice to issue the following reports because the reports' information is also contained in other reports that would still be required: the Serious or Habitual Juvenile Offender Report, the Intensive Residential Treatment Report, and the Literacy Programs Report.

Finally, the bill would specify that escape from a residential commitment facility under s. 985.3141, F.S., includes a juvenile's willful failure to return to the facility within the designated time period authorized for a temporary release.

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:

According to the Department of Juvenile Justice, there will be no fiscal impact to the department.

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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