

By Senator Storms

10-01424-11

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1                   A bill to be entitled  
2           An act relating to juvenile detention; amending s.  
3           985.245, F.S.; requiring that points be added to a  
4           supervised child's risk assessment instrument if the  
5           child is charged with committing a new offense;  
6           amending s. 985.255, F.S.; providing for the continued  
7           detention of a child who is alleged to have violated  
8           the conditions of home detention; broadening the  
9           criteria under which a child may be detained for  
10          failing to appear for any hearing; providing that a  
11          child who violates the conditions of home detention  
12          may be placed in secure detention; extending the time  
13          that a child may be held in advance of the next  
14          scheduled court hearing; deleting the provision  
15          specifying that failure to provide a current or valid  
16          address is not an adequate excuse for nonappearance;  
17          amending s. 985.26, F.S.; extending the period that a  
18          child may be held under a special detention order;  
19          clarifying that a child may not be held in detention  
20          for more than 15 days pending disposition; amending s.  
21          985.27, F.S.; providing that a child who is awaiting  
22          placement and who is arrested for any offense may be  
23          placed in secure detention; providing an effective  
24          date.

25  
26 Be It Enacted by the Legislature of the State of Florida:

27  
28           Section 1. Subsection (4) of section 985.245, Florida  
29           Statutes, is amended to read:

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30 985.245 Risk assessment instrument.—

31 (4) For a child who is under the supervision of the  
32 department through probation, home detention, nonsecure  
33 detention, conditional release, postcommitment probation, or  
34 commitment and who is charged with committing a new offense, the  
35 risk assessment instrument may be completed and scored based on  
36 the underlying charge for which the child was placed under the  
37 supervision of the department and the new offense. In addition,  
38 a score of 3 points in aggravation shall be included.

39 Section 2. Present paragraphs (i) and (j) of subsection (1)  
40 of section 985.255, Florida Statutes, are redesignated as  
41 paragraphs (j) and (k), respectively, and amended, and new  
42 paragraphs (i) and (l) are added to that subsection, to read:

43 985.255 Detention criteria; detention hearing.—

44 (1) Subject to s. 985.25(1), a child taken into custody and  
45 placed into nonsecure or home detention care or detained in  
46 secure detention care prior to a detention hearing may continue  
47 to be detained by the court if:

48 (i) The child is alleged to have violated the conditions of  
49 the child's home detention.

50 (j)~~(i)~~ The child is detained on a judicial order for  
51 failure to appear and has previously willfully failed to appear,  
52 after proper notice, for any ~~an~~ adjudicatory hearing on the same  
53 case regardless of the results of the risk assessment  
54 instrument. A child may be held in secure detention for up to 5  
55 business days ~~72 hours~~ in advance of the next scheduled court  
56 hearing pursuant to this paragraph. The child's failure to keep  
57 the clerk of court and defense counsel informed of a current and  
58 valid mailing address where the child will receive notice to

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59 appear at court proceedings does not provide an adequate ground  
60 for excusal of the child's nonappearance at the hearings.

61 ~~(k)-(j)~~ The child is detained on a judicial order for  
62 failure to appear and has previously willfully failed to appear,  
63 after proper notice, at two or more court hearings of any nature  
64 on the same case. In such case, the child shall be held in  
65 secure detention for up to 21 days regardless of the results of  
66 the risk assessment instrument. ~~A child may be held in secure~~  
67 ~~detention for up to 72 hours in advance of the next scheduled~~  
68 ~~court hearing pursuant to this paragraph. The child's failure to~~  
69 ~~keep the clerk of court and defense counsel informed of a~~  
70 ~~current and valid mailing address where the child will receive~~  
71 ~~notice to appear at court proceedings does not provide an~~  
72 ~~adequate ground for excusal of the child's nonappearance at the~~  
73 ~~hearings.~~

74 (l) The child is released on home detention and violates  
75 the conditions thereof. In such case, the child may be placed in  
76 secure detention regardless of the score on the risk assessment  
77 instrument.

78 Section 3. Section 985.26, Florida Statutes, is amended to  
79 read:

80 985.26 Length of detention.—

81 (1) A child may not be placed into or held in secure,  
82 nonsecure, or home detention care for longer than 24 hours  
83 unless the court orders such detention care, and the order  
84 includes specific instructions that direct the release of the  
85 child from such detention care, in accordance with s. 985.255.  
86 The order shall be a final order, reviewable by appeal under s.  
87 985.534 and the Florida Rules of Appellate Procedure. Appeals of

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88 such orders shall take precedence over other appeals and other  
89 pending matters.

90 (2) A child may not be held in secure, nonsecure, or home  
91 detention care under a special detention order for more than 30  
92 ~~21~~ days unless an adjudicatory hearing for the case has been  
93 commenced in good faith by the court. However, upon good cause  
94 being shown that the nature of the charge requires additional  
95 time for the prosecution or defense of the case, the court may  
96 extend the length of detention for an additional 15 ~~9~~ days. If  
97 the child is charged with an offense that would be, if committed  
98 by an adult, a capital felony, a life felony, a felony of the  
99 first degree, or a felony of the second degree involving  
100 violence against any individual, the child may be held in secure  
101 detention for up to 45 days.

102 (3) Except as provided in subsection (2), a child may not  
103 be held in secure, nonsecure, or home detention care for more  
104 than 15 days pending disposition and following the entry of an  
105 order of adjudication.

106 Section 4. Subsection (3) is added to section 985.27,  
107 Florida Statutes, to read:

108 985.27 Postcommitment detention while awaiting placement.-

109 (3) A child who is awaiting placement in any commitment  
110 level may be held in secure detention pending placement if the  
111 child is arrested for any offense, including a misdemeanor. A  
112 child may be placed in home detention care, nonsecure detention  
113 care, or home or nonsecure detention care with electronic  
114 monitoring while awaiting placement into a program.

115 Section 5. This act shall take effect July 1, 2011.