



663694

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/25/2016	.	
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The Committee on Children, Families, and Elder Affairs (Altman) recommended the following:

Senate Amendment (with title amendment)

Delete lines 89 - 157
and insert:

(6) If a juvenile who is 14 years of age or older is arrested for one of the offenses specified in paragraph (3) (a), the arrest report must include a factual explanation as to why the officer decided to arrest the juvenile in lieu of issuing a civil citation or requiring the juvenile to participate in a similar diversion program, and such report must be reviewed by a



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11 supervising officer. The arrest report must be filed with the
12 law enforcement agency in a manner that will allow data to be
13 collected on the number of juveniles who were arrested for such
14 offenses in lieu of the issuance of a civil citation or
15 participation in a similar program. Each law enforcement agency
16 that employs a law enforcement officer who makes an arrest for
17 an offense listed in paragraph (3)(a) shall submit an annual
18 report before December 31 of each year to the department. The
19 report shall include, at a minimum, the number of arrests and
20 the justifications for the arrests.

21 (7) A law enforcement officer shall advise a juvenile who
22 is subject to subsection (3) or subsection (4) that the juvenile
23 has the option to refuse the civil citation or other similar
24 diversion program and be referred to the department. This option
25 may be exercised at any time before completion of the community
26 service assignment required under subsection (9). Participation
27 in a civil citation or similar diversion program is not
28 considered a referral to the department.

29 (8) Upon issuance of the civil citation or documentation
30 requiring a similar diversion program, the law enforcement
31 officer shall send a copy to the county sheriff, state attorney,
32 the appropriate intake office of the department or the community
33 service performance monitor designated by the department, the
34 parent or guardian of the child, and the victim. The department
35 shall enter such information into the juvenile offender
36 information system.

37 (9) A juvenile that elects to participate in a civil
38 citation or similar diversion program shall complete, and assess
39 up to 50 community service hours, and participate require



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40 ~~participation~~ in intervention services as indicated by an
41 assessment of the needs of the juvenile, including family
42 counseling, urinalysis monitoring, and substance abuse and
43 mental health treatment services.

44 (a) The juvenile shall report to the community service
45 performance monitor within 10 business days after the date of
46 issuance of the civil citation or documentation for a similar
47 diversion program. The juvenile shall spend a minimum of 5 hours
48 per week completing the community service assignment. The
49 monitor shall immediately notify the intake office of the
50 department that a juvenile has reported to the monitor and the
51 expected date on which the juvenile will complete the community
52 service assignment ~~A copy of each citation issued under this~~
53 ~~section shall be provided to the department, and the department~~
54 ~~shall enter appropriate information into the juvenile offender~~
55 ~~information system. Use of the civil citation or similar~~
56 ~~diversion program is not limited to first-time misdemeanors and~~
57 ~~may be used in up to two subsequent misdemeanors. If an arrest~~
58 ~~is made, a law enforcement officer must provide written~~
59 ~~documentation as to why an arrest was warranted.~~

60 (b) At the conclusion of a juvenile's civil citation
61 ~~program~~ or similar diversion program, the entity agency
62 operating the program shall report the outcome of the program to
63 the department.

64 (c) If the juvenile fails to timely report for a community
65 service assignment, complete such assignment, or comply with
66 assigned intervention services within the prescribed time, or if
67 the juvenile commits a subsequent misdemeanor, the law
68 enforcement officer shall issue a report alleging the juvenile



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69 has committed a delinquent act, at which time a juvenile
70 probation officer shall process the original delinquent act as a
71 referral to the department and refer the report to the state
72 attorney for review ~~The issuance of a civil citation is not~~
73 ~~considered a referral to the department.~~

74 (10) ~~(2)~~ The department shall develop guidelines for ~~the~~
75 civil citation and similar diversion programs ~~program~~ which
76 include intervention services that are based on ~~upon~~ proven
77 civil citation or similar diversion programs in ~~within~~ the
78 state.

79 (11) This section does not apply to:

80 (a) A juvenile who is currently alleged to have committed,
81 or who is currently charged with, and awaiting final disposition
82 of, an offense that would be a felony if committed by an adult.

83 (b) A juvenile who has entered a plea of nolo contendere or
84 guilty to, or who has been found to have committed, an offense
85 that would be a felony if committed by an adult.

86 (c) A misdemeanor arising out of an episode in which the
87 juvenile is also alleged to have committed an offense that would
88 be a felony if committed by an adult.

89 (12) This section does not modify the authority of a law
90

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

92 And the title is amended as follows:

93 Delete line 8

94 and insert:

95 providing exceptions; requiring the reporting and
96 reviewing of specified information in an arrest
97 report; requiring a law enforcement agency to submit



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98 an annual report before a specified date to the
99 Department of Juvenile Justice under certain
100 circumstances; providing applicability;