

CS/HB 129 – Juvenile Justice

This committee substitute amends s. 985.557, F.S., eliminating mandatory direct file, removing/adding several acts within the discretionary direct file, and determining certain age groups (14-15, 16-17) where a discretionary direct file can apply for certain crime. It also adds the ability of a state attorney to file an information for a felony if a child between 15 and 18 had a prior adjudication for an offense that would be a felony if committed by an adult. It also prevents a child who is eligible for indictment from being transferred to adult court if that child has a pending competency hearing or has been found to be incompetent. Furthermore, it adds factors to be considered when determining whether a child should be sentenced to adult, juvenile, or a blended sanction (consisting of both juvenile and adult sanctions) created within this bill. This act would go into effect on July 1st, 2016, impacting those committing their offenses after this date.

Given the existence of the discretionary involuntary waiver allowing the state attorney to file a motion requesting the court to transfer a child for criminal prosecution, and without data on how many juveniles are sentenced to prison through each channel (direct file/indictment/waiver), it is not possible to determine the impact that this bill as a whole would have on prison beds.

CONFERENCE ADOPTED ESTIMATE: Negative Indeterminate

Requested by: House