

## **CS/SB 192 – Juvenile Justice**

Amends s. 985.556, F.S. relating to the waiver of juvenile court jurisdiction, deleting the involuntary mandatory waiver to transfer and certify prosecution of a child 14 years old or older as an adult. This bill also deletes the criteria for considering the desirability of the trial and disposition of the case be handled in the same court as the child's codefendants when deciding on a transfer to adult court, and adds the child's mental development to considerations for transfer.

Amends s. 985.557, F.S., relating to direct filing, now named Prosecution of Children as Adults, of children who were 14 or 15 years of age at the time of the offense. The bill restricts robbery to "while carrying a firearm in violation of" s. 812.13(3)(a), F.S. It also deletes "specified burglary of a dwelling or structure in violation of" s. 810.02(2)(c), and restricts armed burglary to "only if there is another person in the dwelling, structure, or conveyance at the time the offender enters or remains." It also restricts aggravated battery to that which results "in great bodily harm, permanent disability, or permanent disfigurement to a person" and removes grand theft in violation of s. 812.014(2)(a), F.S. It then deletes all references to grand theft of a motor vehicle from the list of offenses which can be direct filed.

For those who are 16 or 17 at the time of the offense, an information can be filed if it is in the state attorney's judgment and discretion that the public interest requires adult sanctions be considered or imposed. However, the bill adds: "except when the offense charged is for the commission of, attempt to commit, or conspiracy to commit grand theft, burglary in violation of s. 810.02 (3)(b) or (4), or possession of a controlled substance."

It is added that the state attorney must submit a written document with specified criteria about the decision to prosecute a child as an adult, or the decision not to when the child is eligible. Also, the section on the mandatory direct file for those 16 or 17 years of age is deleted.

Furthermore, the bill adds a fitness hearing before a judge, allowing a child who is transferred to adult court to request a hearing on whether or not he or she should remain in adult court, specifying criteria the court should consider when considering transferring the case back to juvenile court. Finally, it adds that a child who is eligible for adult prosecution, but has been previously found incompetent and has not had competency restored, may not be transferred to adult court until competency is restored.

Amends s. 985.56, F.S., establishing a threshold of 14 years of age or older for indictment of a juvenile with a violation of state law punishable by death or by life imprisonment. Current law allows any age under 18 to be eligible for this. This bill also adds the competency rule discussed above.

Amends s. 985.565, F.S., adding more criteria for the court to use when determining whether to use juvenile sanctions instead of adult sanctions. Additionally, deletes the requirement that an offense that is punishable by death or life imprisonment must be sentenced in the adult court, now making indictments discretionary.

Per DOC, there were approximately 934 inmates admitted to the prison system in FY 15-16 who committed their crimes when they were 14-17 years of age.

In FY 15-16, 14 offenders under 14 years of age at the time of their offense were admitted to prison.

Given the existence of the discretionary involuntary waiver and discretionary direct file allowing the state attorney to file a motion requesting the court to transfer a child for criminal prosecution (14 or older), 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.

**See Handout for a subset of the effect of removing offenders under 14 from prison admissions.**

## **CONFERENCE ADOPTED ESTIMATE: At least as many as Bed Impact**

- **Given the specific provisions of the bill, while DOC would see a reduction in juvenile inmates, DJJ would see an increase in juvenile inmates.**

**Requested by: Senate**

# CS/SB 192

## Juvenile Justice

October 1, 2017 Effective Date

The Criminal Justice Estimating Conference met on 3/2/2017 and estimated the following net impact on the inmate population over the next five years:

a	b	c	FUNDS REQUIRED				g
Fiscal Year	Projected Cumulative Prison Beds Required	Projected Additional Annual Prison Beds Required	Annual Operating Costs	Annual Fixed Capital Outlay Costs	TOTAL Annual Funds	TOTAL Cumulative Funds	
2017-2018	-11	-11	(\$33,264)	(\$1,566,600)	(\$1,599,864)	(\$1,599,864)	
2018-2019	-25	-14	(\$111,150)	(\$898,352)	(\$1,009,502)	(\$2,609,366)	
2019-2020	-39	-14	(\$202,720)	(\$855,868)	(\$1,058,588)	(\$3,667,954)	
2020-2021	-52	-13	(\$296,023)	(\$809,784)	(\$1,105,807)	(\$4,773,761)	
2021-2022	-64	-12	(\$387,150)	(\$345,845)	(\$732,995)	(\$5,506,756)	
<b>Total</b>	<b>-64</b>	<b>-64</b>	<b>(\$1,030,307)</b>	<b>(\$4,476,449)</b>	<b>(\$5,506,756)</b>	<b>(\$5,506,756)</b>	

Prepared by Florida Legislature, Office of Economic and Demographic Research, February 15, 2017

FY 2015-16 operating costs per inmate were obtained from DOC. The \$53.49 per diem (\$19,524 annual cost) is for all department facilities (excluding private institutions and approximately 150 beds in PRCs) and includes operations, health services, and education services. It does not include debt service costs. It also does not include indirect and administrative costs of \$3.34 per inmate (state facilities). Operating costs in future years were increased by the change in the CPI from the National Economic Estimating Conference.

FY 2006-07 capital costs per bed were based on Department of Corrections cost to build Suwanee CI (\$94,000,000 for 2,003 lawful capacity beds) as reported at the Criminal Justice Impact Conference held February 23, 2010. Capital costs in later years were increased by the change in the chained price index for state and local construction spending obtained from Global Insight, Inc.

**Note: This impact statement is not intended to represent the direct appropriations impact of this bill. Rather, it provides a stand-alone estimate of the prison bed need of this particular bill. Cost data are included to allow a comparison of the impact of this bill with other proposed legislation. The actual appropriation associated with passage of this bill will differ depending on a number of factors including the existing inventory of prison beds.**