

HB 575 – Direct Filing of an Information

Amends s. 985.557, F.S., relating to direct filing, deleting “in the state attorney's judgment and discretion” whenever it is used under the discretionary direct file and deleting “adjudication withheld” from the mandatory direct file. This prevents an adjudication withheld from impacting mandatory direct file decision making. Furthermore, it removes “conspiracy to commit” from the list of crimes under discretionary direct file. It also removes “a lesser included offense” that a juvenile was found to have committed from the direct file criteria. It further adds to both discretionary and mandatory direct filing that “notwithstanding any other law, and in all cases, any child charged with a crime under this subsection is entitled to an evidentiary hearing, before the state attorney's filing of an information in adult court. The court may reverse a decision to file an information in the adult court and order the case be handled in the juvenile court system, for just cause. Court appointed counsel shall be provided, pursuant to s. 29.007, for an indigent juvenile defendant.”

Per DOC, there were approximately 765 inmates admitted to the prison system in FY 17-18 who committed their crimes when they were 14-17 years of age. Per OSCA, in FY 17-18, 1,068 juveniles transferred to adult court through direct files and 100 juveniles transferred through waivers.

Given the existence of the involuntary discretionary waiver and involuntary mandatory waiver giving the state attorney different options to transfer a child to adult court (14 or older), and without data on how many juveniles are sentenced to prison through each channel (direct file/waiver), the impact that this bill would have on prison beds is not known.

CONFERENCE ADOPTED ESTIMATE: **Negative Indeterminate**

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

Requested by: House