

HB 339 – Prosecution of Juvenile Offenders

This bill amends s. 985.556, F.S., deleting the involuntary mandatory waiver for children 14 years of age or older, and amends s. 985.557, F.S., deleting the discretionary direct file for children who were 14 or 15 years old at the time of the offense. It also restricts the discretionary direct file to “violent felony” for 16 or 17 year olds, now named “discretionary prosecution of children as adults.” Furthermore, it deletes the mandatory direct file for a child who committed the offense at 16 or 17 years of age. This bill also amends s. 985.56, F.S., removing “a child of any age” and adding “14 years of age or older” for being charged with a violation punishable by death. Finally, it adds “Notwithstanding any other law, a child who is eligible for indictment and who has a pending competency hearing in juvenile court or who has been previously found to be incompetent and has not been restored to competency by a court may not be transferred to adult court for criminal prosecution until the child's competency is restored. A pending competency hearing or a finding of incompetency tolls the time limits.”

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. Of those, 659 were 16-17 years of age when the crime was committed, with 286 of them having committed nonviolent crimes. Per OSCA, in FY 17-18, there were 1,068 juveniles transferred to adult court through direct files and 100 juveniles transferred through waivers.

In FY 17-18, 4 offenders under 14 years of age at the time of their offense were admitted to prison.

Given the existence of the involuntary discretionary waiver (14 or older) and discretionary prosecution of children as adults (now violent felony 16-17) giving the state attorney different options to transfer a child to adult court, and without data on how many juveniles are sentenced to prison through each channel (direct file/waiver), the numerical impact that this bill would have on prison beds is not known.

CONFERENCE ADOPTED ESTIMATE: Negative Significant

- **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