

Senate Bill No. 130

An act relating to the prosecution of juveniles as adults; amending s. 985.227, F.S.; providing for a juvenile to be prosecuted as an adult if the juvenile is charged with grand theft of a motor vehicle; and has a prior adjudication for grand theft of a motor vehicle; reenacting s. 985.21(4)(e), F.S., relating to the state attorney's authority to prosecute a juvenile as an adult, to incorporate the amendment to s. 985.227, F.S., in a reference thereto; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (a) of subsection (1) of section 985.227, Florida Statutes, is amended to read:

985.227 Prosecution of juveniles as adults by the direct filing of an information in the criminal division of the circuit court; discretionary criteria; mandatory criteria.—

(1) DISCRETIONARY DIRECT FILE; CRITERIA.—

(a) With respect to any child who was 14 or 15 years of age at the time the alleged offense was committed, the state attorney may file an information when in the state attorney's judgment and discretion the public interest requires that adult sanctions be considered or imposed and when the offense charged is:

1. Arson;
2. Sexual battery;
3. Robbery;
4. Kidnapping;
5. Aggravated child abuse;
6. Aggravated assault;
7. Aggravated stalking;
8. Murder;
9. Manslaughter;
10. Unlawful throwing, placing, or discharging of a destructive device or bomb;
11. Armed burglary in violation of s. 810.02(2)(b) or specified burglary of a dwelling or structure in violation of s. 810.02(2)(c);
12. Aggravated battery;

13. Lewd or lascivious assault or act in the presence of a child;
14. Carrying, displaying, using, threatening, or attempting to use a weapon or firearm during the commission of a felony; ~~or~~
15. Grand theft in violation of s. 812.014(2)(a); or;
16. Grand theft of a motor vehicle in violation of s. 812.014(2)(c)6. or grand theft of a motor vehicle valued at \$20,000 or more in violation of s. 812.014(2)(b) if the child has a previous adjudication for grand theft of a motor vehicle in violation of s. 812.014(2)(c)6. or s. 812.014(2)(b).

Section 2. For the purpose of incorporating the amendment made by this act to section 985.227, Florida Statutes, in a reference thereto, paragraph (e) of subsection (4) of section 985.21, Florida Statutes, 1998 Supplement, is reenacted to read:

985.21 Intake and case management.—

(4) The juvenile probation officer shall make a preliminary determination as to whether the report, affidavit, or complaint is complete, consulting with the state attorney as may be necessary. In any case where the juvenile probation officer or the state attorney finds that the report, affidavit, or complaint is insufficient by the standards for a probable cause affidavit, the juvenile probation officer or state attorney shall return the report, affidavit, or complaint, without delay, to the person or agency originating the report, affidavit, or complaint or having knowledge of the facts or to the appropriate law enforcement agency having investigative jurisdiction of the offense, and shall request, and the person or agency shall promptly furnish, additional information in order to comply with the standards for a probable cause affidavit.

(e) The state attorney may in all cases take action independent of the action or lack of action of the juvenile probation officer, and shall determine the action which is in the best interest of the public and the child. If the child meets the criteria requiring prosecution as an adult pursuant to s. 985.226, the state attorney shall request the court to transfer and certify the child for prosecution as an adult or shall provide written reasons to the court for not making such request. In all other cases, the state attorney may:

1. File a petition for dependency;
2. File a petition pursuant to chapter 984;
3. File a petition for delinquency;
4. File a petition for delinquency with a motion to transfer and certify the child for prosecution as an adult;
5. File an information pursuant to s. 985.227;
6. Refer the case to a grand jury;
7. Refer the child to a diversionary, pretrial intervention, arbitration, or mediation program, or to some other treatment or care program if such

program commitment is voluntarily accepted by the child or the child's parents or legal guardians; or

8. Decline to file.

Section 3. This act shall take effect July 1, 1999.

Approved by the Governor June 8, 1999.

Filed in Office Secretary of State June 8, 1999.