

SB 474 – Prosecuting Children as Adults

This bill amends s. 985.556, F.S., increasing the age for involuntary mandatory waiver for children from 14 years or older to 15 years or older. This bill also amends s. 985.557, F.S., increasing the age for discretionary direct file for children who were 14 or 15 years old at the time of the offense to children who were 15 or 16 years old at the time of the offense. It also increases the age for discretionary direct file “when in the state attorney’s judgment and discretion the public interest requires that adult sanctions be considered or imposed” from 16 or 17 year olds to only 17 year olds.

Per DOC, there were approximately 323 new commitments to the prison system in FY 18-19 who committed their crimes when they were 14-16 years of age. In FY 19-20, there were 224. It is not known how many of these new commitments would be diverted from prison under the bill’s new language. Per DJJ, in FY 19-20, there were 95 youth who would not be eligible for transfer to adult court for felonies under the new language. However, given the propensity for judges to use sentencing options other than prison, it is not known how many of those eligible were ultimately sentenced to prison.

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: Senate