

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

Date: February 25, 1998 Revised: 03/06/98 _____

Subject: Juvenile Substance Abuse Testing

	<u>Analyst</u>	<u>Staff Director</u>	<u>Reference</u>	<u>Action</u>
1.	Dugger	Miller	CJ	Favorable
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

Senate Bill 708 specifies that under s. 985.231, F.S., the court may order a youth who has been adjudicated delinquent to submit to random testing to detect and monitor the use of controlled substances or alcohol. Under the bill, the court may so order this testing upon the Department of Juvenile Justice’s recommendation, either at the time of the original disposition of the case or when the youth is subsequently back before the court on a petition alleging a violation of community control or aftercare supervision.

This bill substantially amends s. 985.231 and reenacts s. 985.31 and s. 985.311 of the Florida Statutes.

II. Present Situation:

Section 985.231, F.S., prescribes the court’s powers of disposition in juvenile cases. In addition to being able to order a youth who has been adjudicated delinquent into a commitment program, the court is also authorized to place such a youth in a community control program or an aftercare program under the supervision of the Department of Juvenile Justice or any other person or agency specifically authorized and appointed by the court. The community control program must include a sanction such as restitution, community service, a curfew, revocation or suspension of the driver’s license of the youth, or some other nonresidential punishment appropriate to the offense.

Furthermore, the community control program must include a rehabilitative component such as requiring the youth to participate in substance abuse treatment, school, or other educational program. According to the department, case managers who have reason to believe that a youth has a substance abuse problem can request the court to order drug testing, if the court has not

previously ordered such testing for the youth. However, the department states that current resources for this testing are limited.

If a youth violates the conditions of a community control program or an aftercare program, he or she can be brought before the court on a petition alleging a violation. The court, after holding a hearing within 24 hours after a youth has been taken into custody for violating community control or aftercare and after determining that the youth has, in fact, violated community control or aftercare, can order any of the following dispositions:

- ▶ place the youth in a consequence unit for up to 5 days for a first violation, and up to 15 days for a second or subsequent violation;
- ▶ place the youth on home detention with electronic monitoring, if a consequence unit is unavailable;
- ▶ modify or continue the community control or aftercare program; or
- ▶ revoke community control or aftercare and commit the youth to the department.

A consequence unit is a secure facility, similar to secure detention, except that it is specifically designated for youths who have been taken into custody for violating community control or aftercare or who have been found by the court to have violated the conditions of community control or aftercare.

III. Effect of Proposed Changes:

Senate Bill 708 specifies that under s. 985.231, F.S., the court may order the youth who has been adjudicated delinquent to submit to random testing to detect and monitor the use of controlled substances or alcohol. Under the bill, the court may so order this testing upon the department's recommendation, either at the time of the original disposition of the case or when the youth is subsequently back before the court on a petition alleging a violation of community control or aftercare supervision.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

According to the DJJ, it is anticipated that without an increase in resources, the discretionary random drug testing under the bill will not result in any significant fiscal impact to the department.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.