

1 A bill to be entitled
2 An act relating to juvenile justice; amending s. 985.245,
3 F.S.; requiring additional risk assessment points to be
4 assessed for a child on a specified status who is charged
5 with a new offense; amending s. 985.255, F.S.; providing
6 that a child may continue to be detained by a court if he
7 or she violates the conditions of his or her home
8 detention; providing that a child may be detained for
9 failure to appear at any hearing, not just adjudicatory
10 hearings; increasing the periods that children may be
11 detained for failure to appear at hearings; providing for
12 additional detention for a child detained on a judicial
13 order for failure to appear who has previously willfully
14 failed to appear at two or more court hearings; deleting
15 language concerning a child's failure to keep the clerk of
16 court and defense counsel informed of a current and valid
17 mailing address as not constituting a valid excuse for a
18 failure to appear; amending s. 985.26, F.S.; providing
19 that a child on home detention who violates the conditions
20 of detention may be placed in secure detention regardless
21 of his or her risk assessment score; increasing the
22 periods that a child may be held under certain detention
23 orders; revising language concerning the period that a
24 child may be held in secure, nonsecure, or home detention
25 care; amending s. 985.27, F.S.; providing that a child
26 awaiting placement in any commitment level may be held in
27 secure detention pending placement if the child is

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28 | arrested for any offense while in other specified forms of
29 | detention care; providing an effective date.

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

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33 | Section 1. Subsection (4) of section 985.245, Florida
34 | Statutes, is amended to read:

35 | 985.245 Risk assessment instrument.—

36 | (4) For a child who is under the supervision of the
37 | department through probation, home detention, nonsecure
38 | detention, conditional release, postcommitment probation, or
39 | commitment and who is charged with committing a new offense, the
40 | risk assessment instrument may be completed and scored based on
41 | the underlying charge for which the child was placed under the
42 | supervision of the department and the new offense. In addition,
43 | a score of 3 points in aggravation shall be included.

44 | Section 2. Paragraphs (i) and (j) of subsection (1) of
45 | section 985.255, Florida Statutes, are redesignated as
46 | paragraphs (j) and (k), respectively, and amended, and a new
47 | paragraph (i) is added to that subsection, to read:

48 | 985.255 Detention criteria; detention hearing.—

49 | (1) Subject to s. 985.25(1), a child taken into custody
50 | and placed into nonsecure or home detention care or detained in
51 | secure detention care prior to a detention hearing may continue
52 | to be detained by the court if:

53 | (i) The child is alleged to have violated the conditions
54 | of the child's home detention.

55 | (j)~~(i)~~ The child is detained on a judicial order for

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56 failure to appear and has previously willfully failed to appear,
 57 after proper notice, for any ~~an adjudicatory~~ hearing on the same
 58 case regardless of the results of the risk assessment
 59 instrument. A child may be held in secure detention for up to 5
 60 business days ~~72 hours~~ in advance of the next scheduled court
 61 hearing pursuant to this paragraph. The child's failure to keep
 62 the clerk of court and defense counsel informed of a current and
 63 valid mailing address where the child will receive notice to
 64 appear at court proceedings does not provide an adequate ground
 65 for excusal of the child's nonappearance at the hearings.

66 (k) ~~(j)~~ The child is detained on a judicial order for
 67 failure to appear and has previously willfully failed to appear,
 68 after proper notice, at two or more court hearings of any nature
 69 on the same case, and under such circumstances shall be held in
 70 secure detention for up to 21 days, regardless of the results of
 71 the risk assessment instrument. ~~A child may be held in secure~~
 72 ~~detention for up to 72 hours in advance of the next scheduled~~
 73 ~~court hearing pursuant to this paragraph. The child's failure to~~
 74 ~~keep the clerk of court and defense counsel informed of a~~
 75 ~~current and valid mailing address where the child will receive~~
 76 ~~notice to appear at court proceedings does not provide an~~
 77 ~~adequate ground for excusal of the child's nonappearance at the~~
 78 ~~hearings.~~

79 Section 3. Subsections (1), (2), and (3) of section
 80 985.26, Florida Statutes, are amended to read:

81 985.26 Length of detention.—

82 (1) (a) A child may not be placed into or held in secure,
 83 nonsecure, or home detention care for longer than 24 hours

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84 unless the court orders such detention care, and the order
85 includes specific instructions that direct the release of the
86 child from such detention care, in accordance with s. 985.255.
87 The order shall be a final order, reviewable by appeal under s.
88 985.534 and the Florida Rules of Appellate Procedure. Appeals of
89 such orders shall take precedence over other appeals and other
90 pending matters.

91 (b) A child released on home detention, who violates the
92 conditions thereof, may be placed in secure detention regardless
93 of the score on the risk assessment instrument.

94 (2) A child may not be held in secure, nonsecure, or home
95 detention care under a special detention order for more than 30
96 ~~21~~ days unless an adjudicatory hearing for the case has been
97 commenced in good faith by the court. However, upon good cause
98 being shown that the nature of the charge requires additional
99 time for the prosecution or defense of the case, the court may
100 extend the length of detention for an additional 15 ~~9~~ days. If
101 the child is charged with an offense that would be, if committed
102 by an adult, a capital felony, a life felony, a felony of the
103 first degree, or a felony of the second degree involving
104 violence against any individual, the child may be held in secure
105 detention for up to 45 days.

106 (3) Except as provided in subsection (2), a child may not
107 be held in secure, nonsecure, or home detention care for more
108 than 15 days pending disposition, after ~~following~~ the entry of
109 an order of adjudication.

110 Section 4. Subsection (3) is added to section 985.27,
111 Florida Statutes, to read:

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112 985.27 Postcommitment detention while awaiting placement.—

113 (3) A child who is awaiting placement in any commitment
114 level may be held in secure detention pending placement if the
115 child is arrested for any offense, including a misdemeanor while
116 the child is placed in home detention care, nonsecure detention
117 care, or home or nonsecure detention care with electronic
118 monitoring, while awaiting placement in that program.

119 Section 5. This act shall take effect July 1, 2011.