

HB 285 / SB 610 : Direct Filing of an Information

These bills will help keep children out of adult prisons!

SB 610 / HB 285 revises provisions concerning housing children held in detention; prohibiting a child who has been transferred to adult court for criminal prosecution pursuant to direct file from being held in a jail or other facility used for the detention of adults before a specified hearing to determine if the child should be prosecuted as an adult; deleting references to the state attorney's discretion to direct file a juvenile; revising discretionary direct file criteria.

- ▶ A child who has been transferred for criminal prosecution as an adult pursuant to may not be held in a jail or other facility intended or used for the detention of adults prior to a court finding.
- ▶ The judge may consider any reports that may assist the court, including prior predisposition reports, psychosocial assessments, individual educational plans, developmental assessments, school records, abuse or neglect reports, home studies, protective investigations, and psychological and psychiatric evaluations.
- ▶ Upon a state attorney filing an information transferring a child to adult court, the court must advise the child and his or her parent or guardian that the child has the right to a due process evidentiary hearing before a judge, and the child or the parent or guardian may request such evidentiary hearing.

What they are saying about SB 610 and HB 285?

- ▶ Every child deserves his or her due process rights to be respected by prosecutors within the State of Florida," said Rep. Bush (D-Miami), who is sponsoring HB 285. "We want the law to allow children under the age of 18 years-old to be afforded an evidentiary hearing where a judge can consider the evidence being presented prior to the child's transfer to adult court."
- ▶ "HB 285 is a step in the right direction for reforming juvenile justice," said Rep. Juan Fernandez-Barquin (R-Miami), who is the prime co-sponsor of HB 285. "Currently, there is no ability to challenge a prosecutor's decision to file charges against a child in adult court. With this bill we will preserve a child's due process rights, balance the playing field, and give the child the ability to empower a judge to review the prosecutor's decision to file charges against a child in adult court."

Why are HB 285 and SB 610 necessary?

- ▶ There is a disproportionate impact on the most vulnerable and high-need youth of color
- ▶ Placement in adult jails and prisons generally inhibit a youth's access to treatment, education, and members of their support networks
- ▶ Educational and rehabilitative programming are limited in adult jails and prisons because the facility, staff, and programming were not developed to serve youth.
- ▶ Youth in adult facilities are at an increased risk of physical or sexual abuse by staff and other inmates.