

By Commissioner Coxe

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1 A proposal to amend
2 Section 15 of Article I of the State Constitution to
3 require circuit court review before a state attorney
4 may pursue prosecution of a child as an adult in
5 criminal court.

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7 Be It Proposed by the Constitution Revision Commission of
8 Florida:

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10 Section 15 of Article I of the State Constitution is
11 amended to read:

12 ARTICLE I

13 DECLARATION OF RIGHTS

14 SECTION 15. Prosecution for crime; offenses committed by
15 children.-

16 (a) No person shall be tried for capital crime without
17 presentment or indictment by a grand jury, or for other felony
18 without such presentment or indictment or an information under
19 oath filed by the prosecuting officer of the court, except
20 persons on active duty in the militia when tried by courts
21 martial.

22 (b) It is the policy of this state that, because children
23 are more neurologically, psychologically, and emotionally
24 underdeveloped than adults, the state attorney must petition the
25 circuit court for approval if he or she decides to pursue
26 prosecution of a child as an adult in criminal court rather than
27 in juvenile court. The circuit court must consider the
28 differences in the development of adults and children in
29 determining whether to approve a state attorney's decision to
30 prosecute a child as an adult in criminal court. ~~When authorized~~
31 ~~by law, a child as therein defined may be charged with a~~
32 ~~violation of law as an act of delinquency instead of crime and~~

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33 ~~tried without a jury or other requirements applicable to~~
34 ~~criminal cases. Any child so charged shall, upon demand made as~~
35 ~~provided by law before a trial in a juvenile proceeding, be~~
36 ~~tried in an appropriate court as an adult. A child found~~
37 ~~delinquent shall be disciplined as provided by law.~~