

By Commissioner Martinez

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1 A proposal to amend
2 Section 15 of Article I of the State Constitution to
3 establish restrictions regarding the restrictive
4 confinement of a child.

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

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

11 ARTICLE I

12 DECLARATION OF RIGHTS

13 SECTION 15. Prosecution for crime; offenses committed by
14 children; restrictive confinement of children.-

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

21 (b) When authorized by law, a child as therein defined may
22 be charged with a violation of law as an act of delinquency
23 instead of crime and tried without a jury or other requirements
24 applicable to criminal cases. Any child so charged shall, upon
25 demand made as provided by law before a trial in a juvenile
26 proceeding, be tried in an appropriate court as an adult. A
27 child found delinquent shall be disciplined as provided by law.

28 (c) A child in the custody of the department of
29 corrections, the department of juvenile justice, or any
30 successor agency; or any jail or detention facility in this
31 state may not be placed in any restrictive confinement away from
32 the facility's general population for any reason other than to

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33 ensure the safety of the child or others. Any child so confined
34 may not be confined for longer than is essential to serve such
35 purpose. The restrictive confinement may not last longer than
36 twenty-four hours unless the confined child's behavior continues
37 to be such that the child cannot be safely maintained outside of
38 restrictive confinement due to physical aggression. In such
39 instances, confinement beyond twenty-four hours may be allowed
40 if reviewed and approved as prescribed by law. If a child is
41 confined for longer than twenty-four hours, the child must
42 receive mental health evaluations and treatment, as needed.