

Human Rights Watch

Children's Rights

<https://www.hrw.org/news/2015/04/08/florida-hope-children-charged-adults>

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House Committees Should Follow Senates Lead

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(Tallahassee) A Florida Senate subcommittee voted on April 8, 2015 to approve a bill that would allow judges rather than prosecutors to determine when a child should be charged as an adult. Senate Bill (SB) 1082, which would greatly reduce the number of youth under 18 sent into the adult criminal justice system, deserves a vote before Floridas full Senate and House.

SB 1082s companion bill, House Bill 783, has to be considered by two more committees before it can proceed to a full vote. The House committees should swiftly schedule hearings on the bill before April 21, after which they can no longer meet in this legislative session.

Prosecuting a young person as an adult has far-reaching consequences for society as well as for the person involved, said [Natalie Kato](#), southern US state policy advocate at Human Rights Watch. The Senate appropriations subcommittee has taken a smart and humane step by voting to place these decisions with a judge, not a prosecutor. The full Florida Senate and House should follow suit.

Under Floridas current direct file statute, prosecutors have almost complete discretion to charge children 14 and older as adults. More than 98 percent of youth in Floridas adult court are transferred there by a prosecutor without judicial oversight. Floridas direct file law is one of the most expansive such laws in the United States, as Human Rights Watch [documented](#) in 2014.

Most children tried in adult court in Florida are accused of nonviolent crimes. In 2012 and 2013, 60 percent were there for nonviolent offenses, according to data Human Rights Watch analyzed.

SB 1082 would revise Floridas current direct file law by limiting the offenses that qualify for transfer under that statute. In addition, a judge would have the opportunity to review transferred cases and determine whether a particular case should go back to the juvenile court.

Charging children as adults not only has serious often lifelong consequences for the children involved, but is also counterproductive to reducing recidivism, Human Rights Watch said. Multiple studies have shown that children who are prosecuted in the adult system reoffend more quickly and go on to commit more serious crimes than those who are kept in the juvenile justice system for the same offenses.

Children who commit crimes can and should be held accountable, but the appropriate place to do so is the juvenile justice system, Human Rights Watch said. The Convention on the Rights of the Child, to which the US is a signatory, states that treatment of child offenders must take into account the childs age and the desirability of promoting the childs reintegration and the childs assuming a constructive role in society.

The US Supreme Court, in a series of four recent cases, has underscored that children are developmentally less mature than adults, and more capable of rehabilitation. Their punishment should take into account their diminished culpability and their capacity to change. Judgments about punishment are best made by the juvenile system, which takes these factors into account.

Floridas legislature should grab this opportunity to place limits on prosecutorial discretion to charge youth as adults, Kato said. This bill is a big step forward for public safety and justice, and deserves a yes vote from every Florida legislator.

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