

Florida Has No Minimum Age for Indictments; Time to Change

Tim Kane was a 14-year-old boy from Pasco County when he was indicted for capital felony murder. Tim has never killed anyone. He had no prior criminal history until one day in January of 1992 when he found himself in the wrong place at the wrong time. He accompanied friends to what he was told was an unoccupied home. The night ended with Tim in shock while two of the boys committed a tragic crime, killing two people. Because he was there, Tim was indicted for felony murder. Tim was charged and treated like an adult, and received a life sentence for one bad choice made as a child.

Unlike most states, Florida does not have a minimum age requirement to be indicted by a grand jury and subsequently criminally charged as an adult. Furthermore, Florida does not have a safety valve that allows for a judge to determine whether a child really belongs in the adult system or the juvenile system. Under Florida's existing law, a 5-year-old could be indicted and transferred to the adult criminal system.

This legislative session, Florida has the opportunity to make significant changes to the way that children can be charged as adults with House Bill 509 and Senate Bill 936. Among other reforms, the proposed bill eliminates the ability to indict a child younger than 14 as an adult.

This legislation addresses several problems associated with children being tried as adults. First, indicting children to prosecute them in the adult criminal justice system is a threat to public safety because it creates more crime. Recidivism rates for children prosecuted as adults are higher than rates for children whose cases are resolved in the juvenile justice system. Second, adult facilities are not equipped with the appropriate education and transition services for children. This makes it less likely for children in adult facilities to get back on track, which leads

to more crime. Third, an adult prosecution brands a child with a felony conviction for the rest of his or her life. This deprives a child of the opportunity to serve in the military, receive financial aid and vote, all before reaching the age of 18. Fourth, children in the adult system are at a higher risk of sexual abuse and suicide.

Present scientific knowledge of the adolescent brain and the development of children demonstrates that children are different from adults. It is time to establish a minimum age for indictment. While there is no question that violent and dangerous youth need to be confined for their safety and that of society, children should not be treated as though they are equal to adults.

Placing children in adult jails is a sign of failure, not a solution. Supporting HB 509 and SB 936 is a step in the right direction.

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