



# The Florida Senate

Interim Project Report 2007-108

October 2006

Committee on Criminal Justice

## EXAMINE THE DEFINITION OF “JUVENILE SEXUAL OFFENDER” IN CHAPTER 985, F.S.

### SUMMARY

The Task Force on Juvenile Sexual Offenders and their Victims (Task Force) recommended that the term “juvenile sexual offender” in ch. 985, F.S., be changed to “juveniles with sexual behavioral problems.” It found that the current definition of juvenile sexual offender includes a broad array of sexual offenses, ranging from exhibitionism to sexual penetration. The Task Force felt that including such a wide spectrum of behavior in the definition of juvenile sexual offender can result in the unfair labeling of youths. This project examines the definition of “juvenile sexual offender” in ch. 985, F.S., to determine if, in fact, it needs to be modified, and if so, how that will best be accomplished.

Changing the term “juvenile sexual offender” to “juveniles with sexual behavioral problems” as the Task Force suggests is basically a policy decision for the Legislature. Neither the term nor its definition, in and of itself, trigger additional sanctions in the juvenile system like it does in the adult system (e.g., registration as a sexual offender or predator). If it appears that a juvenile who commits a sexual offense is really dangerous, according to prosecutors, in the interest of public safety, they typically transfer him or her to the adult system, thereby potentially triggering the adult registration designation.

The majority of prosecutors participating in this project suggest making no change to the term or definition as long as it only triggers a psychosexual evaluation and not something more punitive such as registration.

Generally speaking, in the juvenile system the term “juvenile sexual offender” appears to be intended to identify a juvenile who has sexual behavioral problems which are exhibited in an inappropriate manner and to ensure that he or she receives the most effective treatment to rehabilitate the juvenile and to protect public safety. Having said this, as a practical matter,

according to the Florida Public Defenders Association, it does place a stigmatizing label on juveniles who commit the statutorily enumerated sexual offenses. The Florida Public Defenders Association suggests deleting the term from the statute.

However, no matter what term or definition is used to describe these juveniles, juvenile justice stakeholders participating in this project felt that it should facilitate a comprehensive psychosexual evaluation by a qualified professional, adequately assessing what kind of treatment is the most appropriate and how to best deliver that treatment (e.g., in the community or in a residential commitment facility).

If members wish to make a policy change by modifying the term “juvenile sexual offender” or its definition, this change can be accomplished by one of the options (or a variation of either) suggested by some of these stakeholders as follows:

- Restrict “juvenile sexual offender” to juveniles over 12 years of age who are adjudicated on two separate forcible sexual offenses, who have been evaluated by a qualified expert and have been found by the court to be a juvenile sexual offender; or
- Retain “juvenile sexual offender” for the more serious sexual offenses and make a new category designated “juveniles with sexual behavioral problems” for the less serious sexual offenses.

### BACKGROUND

During the 2005 Regular Legislative Session, the Legislature enacted ch. 2005-263, L.O.F., which created the Task Force on Juvenile Sexual Offenders and their Victims (Task Force) to examine how Florida processes and treats juvenile sexual offenders and their victims. The law directed the Governor to appoint up to 12 members to the Task Force, including the following:

a circuit court judge with at least one year's experience in the juvenile division, a state attorney with at least one year's experience in the juvenile division, a public defender with at least one year's experience in the juvenile division, one representative of the Department of Juvenile Justice, two representatives of providers of juvenile sexual offender services, one member of the Florida Juvenile Justice Association, one member of the Florida Association for the Treatment of Sexual Abusers, and one victim of a juvenile sexual offense.

The Task Force held five meetings and a series of conference calls in 2005 to execute its duties and issued a final report of its findings and recommendations on January 18, 2006. One of its recommendations included changing the term "Juvenile Sexual Offender" in ch. 985, F.S., to "Juveniles with Sexual Behavioral Problems" so as not to unfairly label youths. The Task Force suggested using "juvenile sex offender" only for juveniles who are transferred to adult court for committing sexual offenses.<sup>1</sup>

During the 2006 Legislative Session, the Senate Criminal Justice Committee favorably reported CS/SB 1454, which incorporated several of the Task Force recommendations, as well as authorized the continuation of the Task Force so it could further develop recommendations. The legislation did not make any changes to the juvenile sexual offender definition in ch. 985, F.S. This bill failed to pass during the session. It died in the Senate Judiciary Committee.

## METHODOLOGY

Staff reviewed the findings and conclusions of the Task Force, studied relevant statutes and case law, and sought input from knowledgeable stakeholders in the juvenile justice system, including prosecutors, public defenders, juvenile judges, private providers, and representatives from the Department of Juvenile Justice.

## FINDINGS

### Current Law/Legislative History

Currently, s. 985.03(32), F.S., defines a "juvenile sexual offender" as a juvenile who has been found to have committed a violation of any of the following laws:

- Ch. 794, F.S., proscribing sexual battery.
- Ch. 796, F.S., proscribing prostitution.
- Ch. 800, F.S., proscribing lewdness and indecent exposure.
- s. 827.071, F.S., proscribing sexual performance by a child.
- s. 847.0133, F.S., proscribing the provision of obscenity to minors.
- Any felony violation of law or delinquent act involving juvenile sexual abuse, which means any sexual behavior<sup>2</sup> that occurs without consent, without equality, or as a result of coercion.

After an adjudicatory hearing for a juvenile sexual offender, the court may either: (1) treat the offender as it would any other juvenile found to have committed a delinquent act (withhold adjudication and place the offender on probation or adjudicate the offender and impose probation or commitment<sup>3</sup>); or (2) treat the offender as a juvenile sexual offender. Under the second option, the court, subject to specific appropriation, may:

- Order an examination of the juvenile sexual offender by a psychologist, therapist, or psychiatrist, if the offender has no recent history of a comprehensive assessment focused on sexually deviant behavior.<sup>4</sup> The report of this exam must include: (a) the offender's account of the incident and the official report of the investigation; (b) the offender's offense history; (c) a multidisciplinary assessment of the offender's sexually deviant behaviors by a psychologist, therapist, or psychiatrist; (d) an assessment of the offender's family, social, educational, and employment situation; and (e) an assessment of the offender's amenability to treatment and relative risk to the victim and community.<sup>5</sup>

<sup>1</sup> *Juvenile Sexual Offenders and Their Victims: Final Report*, Task Force on Juvenile Sexual Offenders and their Victims, January 18, 2006, p. 5.

<sup>2</sup> The subsection further states that, "Juvenile sexual offender behavior ranges from noncontact sexual behavior such as making obscene phone calls, exhibitionism, voyeurism, and the showing or taking of lewd photographs to varying degrees of direct sexual contact, such as frottage, fondling, digital penetration, rape, fellatio, sodomy, and various other sexually aggressive acts." s. 985.03(32), F.S.

<sup>3</sup> ss. 985.228 and 985.231, F.S.

<sup>4</sup> s. 985.231(3), F.S.

<sup>5</sup> s. 985.231(3)(a) and (b), F.S.

- Impose a juvenile sexual offender community-based treatment alternative disposition. In order to utilize this alternative disposition, the court must first consider: (a) a proposed plan of the community-based treatment from the DJJ; (b) whether the offender and community will benefit from imposition of community-based treatment; and (c) the victim's or victim's family's opinion of whether the offender should receive community-based treatment. Upon finding that a community-based alternative disposition is appropriate, the court may place the offender on community supervision for up to three years and impose conditions that require the offender to: (a) undergo outpatient juvenile sexual offender treatment; (b) remain within prescribed geographical boundaries; and (c) comply with all requirements of the treatment plan. If the offender violates any condition or if the court finds that the juvenile is failing to make satisfactory progress in treatment, the court may revoke the community-based treatment alternative and commit the offender to the DJJ.<sup>6</sup>
- Commit the juvenile sexual offender to the DJJ for placement in a juvenile sexual offender commitment program under s. 985.308, F.S. This section authorizes the DJJ, subject to appropriation, to operate or contract for juvenile sexual offender commitment programs, which must include educational components, life management training, substance abuse treatment, and intensive psychological treatment.

The statutory definition of juvenile sexual offender and the other provisions setting forth the policy and procedures governing these juveniles resulted from recommendations by the 1995 Task Force on Juvenile Sexual Offenders and Victims of Juvenile Sexual Abuse and Crimes. During the 1995 Regular Legislative Session, the Legislature passed a bill incorporating into law some of these recommendations by the Task Force, which provided for a more effective and uniform response to juvenile sexual abuse.<sup>7</sup> This Task Force was created the year before by the Legislature to study the issue of juvenile sexual abuse and report back to the Legislature with findings and recommendations.<sup>8</sup> According to the 1995 Task Force, the definition of juvenile sexual offender mirrored the

one suggested by the National Task Force on Juvenile Sex Offending in its 1993 revised report.<sup>9</sup>

Nowhere in these statutory provisions does it require the court to pronounce that a juvenile is a "juvenile sexual offender" for any purpose, including disposition, evaluation, treatment, or registration. However, if the court decides to retain jurisdiction over the juvenile until he or she completes the residential sex offender commitment program up until the juvenile turns 21 years old, the court includes this finding in its order.<sup>10</sup>

Unlike the adult system in which a sexual offense conviction requires the adult offender to register as a sexual offender or predator under the Florida Sexual Predator Act in the juvenile system, an adjudication of delinquency for a sexual offense does not require such registration. However, if a juvenile is transferred to the adult system, and is sanctioned as an adult, rather than as a juvenile, then that youth is required to register as a sexual offender or predator under s. 943.0435 or s. 775.21, F.S.<sup>11</sup> Several prosecutors indicated that they typically transfer the most serious juvenile sexual offenders into the adult system where, if convicted, they will be included on the sexual offender or predator registration list.

Although the adult registration requirements are not applicable to a juvenile who is adjudicated delinquent for a sexual offense, the DJJ is required under ch. 985, F.S., to notify the schools, parents or legal guardians of victims, and law enforcement agencies when a juvenile sexual offender returns to the community.<sup>12</sup>

Just as the adult registration requirements are not applicable to the majority of juveniles under 18 years of age, neither are the provisions of the Sexually Violent Predator Act (commonly known as the "Jimmy Ryce Act"), which allows for involuntary civil

<sup>9</sup> Revised Report from the National Task Force on Juvenile Sex Offending, 1993.

<sup>10</sup> s. 985.201, F.S.

<sup>11</sup> *State v. J.M.*, 824 So. 2d 105 (Fla. 2002) (Florida Supreme Court held that juveniles charged as adults but adjudicated as delinquents are not "criminally convicted" for purpose of sexual predator designation under the Sexual Predator Act.)

<sup>12</sup> s. 985.04(3)(b), F.S., (notification also applies to juveniles under the DJJ custody with a known history of criminal sexual behavior with other juveniles, or a juvenile who has pled guilty or nolo contendere to or been found to have committed certain sexual offenses, regardless of adjudication) and 985.308(1)(d), (6), F.S.

<sup>6</sup> s. 985.231(3), F.S.

<sup>7</sup> CS/HB 2023, Ch. 95-266, Laws of Florida.

<sup>8</sup> Section 111, ch. 94-209, Laws of Florida.

commitment for sexually violent predators who are 18 years of age or older.<sup>13</sup>

### 2005 Task Force

#### *Selected Findings:*

- Juveniles who sexually offend are not as aggressive or serious as their adult counterparts.<sup>14</sup>
- Juveniles who sexually offend are generally responsive to treatment. Overall sex offense recidivism rate for juveniles is fairly low, typically between 5% and 15%. Juveniles successfully completing sexual offender treatment have been found to have lower recidivism rates than their untreated counterparts.<sup>15</sup>
- Non-sexual delinquent behavior is typical among juveniles who sexually offend.<sup>16</sup>
- The recidivism rate for Florida juveniles released from high-risk residential sex offender treatment programs between July 1, 2002, and June 30, 2004, ranged from 13% to 26% among the DJJ's eight programs (and very few of the new offenses committed by these juveniles were sexual offenses).<sup>17</sup>
- Between 1998 and November 30, 2005, the DJJ referred 938 juveniles committing sexually delinquent acts for screening under the Sexually Violent Predator Act. Of these, only 34 were recommended for the civil commitment process, about 3.5 % of the total referrals. As of November 30, 2005, nine juveniles who were referred from the DJJ have been civilly committed to the Sexually Violent Predator treatment facility in Arcadia, Florida.<sup>18</sup>

<sup>13</sup> s. 394.912, F.S.

<sup>14</sup> National Center for Sexual Behavior of Youth. (July, 2003). NCSBY Facts Sheet: What research shows about adolescent sex offenders [electronic version]. *National Center on Sexual Behavior of Youth*, No. 1, 1-3.

<sup>15</sup> Worling, J.R. & Curwen, T., (2000). Adolescent sexual offender recidivism: Success of specialized treatment and implications for risk prediction. *Child Abuse and Neglect*, 24(7), 965-982.

<sup>16</sup> U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention. (2001). *Juveniles who have sexually offended: OJJDP Report* [electronic version]. *Office of Juvenile Justice and Delinquency Prevention*.

<sup>17</sup> Program Accountability Measure report (2006), Florida Department of Juvenile Justice.

<sup>18</sup> *Juvenile Sexual Offenders and Their Victims: Final*

- The current definition of juvenile sexual offender includes a broad category of sexual offenses, ranging from exhibition to penetration, which can unfairly label a juvenile with lasting consequences (restricted working and housing options), especially in light of the high success rates of treatment for these juveniles.<sup>19</sup>
- Comprehensive psychosexual evaluations are not required for all juveniles with a history of sexually delinquent or sexually inappropriate behavior. Because of inadequate funds, the current evaluations are not sufficient for properly facilitating the placement of these juveniles.<sup>20</sup>
- Requiring such evaluations would help a qualified professional identify whether the sexually offending behavior was experimental, consensual, or predatory, thereby assisting in the appropriate disposition and treatment.<sup>21</sup>

### 2006 Legislation

*The Legislature considered some of the findings and recommendations of the Task Force contained in CS/SB 1454. However, the legislation failed to pass during the session. It would have implemented the following changes:*

- Defined "Psychosexual evaluation," to mean an evaluation by a qualified sexual offender practitioner, which addresses, at a minimum, a juvenile sexual offender's: (a) account of the incident and the official report of the investigation; (b) sexual development and sexual delinquency history and treatment; (c) behavioral and delinquency history; (d) substance abuse and mental health history and treatment; (e) intellectual, personality, trauma assessment; (f) physiological assessment if appropriate; (g) family, social, educational, and employment situation; (h) risk for committing a future act of sexual delinquency or physical harm to himself, herself, the victim, or other persons; (i) culpability assessment; (j) diagnosis; and (k) amenability to treatment, including treatment recommendations specific to his or her needs.

*Report, Task Force on Juvenile Sexual Offenders and their Victims, January 18, 2006, p. 9.*

<sup>19</sup> *Juvenile Sexual Offenders and Their Victims: Final Report, Task Force on Juvenile Sexual Offenders and their Victims, January 18, 2006, p.34-35.*

<sup>20</sup> *Id.* at p. 26.

<sup>21</sup> *Id.* at 34.

- Defined “Qualified Sexual Offender Practitioner” to mean a professional who is eligible to practice juvenile sexual offender therapy under s. 490.0145, F.S., or s. 491.0144, F.S.,<sup>22</sup> and who: (a) possesses at least 55 hours of post-graduate degree continuing education courses in one or more specified areas<sup>23</sup> and at least 2000 hours of post-graduate degree supervised practice in the evaluation and treatment of persons who have committed sexually delinquent acts; or (b) is directly supervised by a juvenile sexual offender therapist who satisfies the enumerated education and practice requirements.
- Required the court to order the DJJ to conduct or arrange for a psychosexual evaluation of a juvenile sexual offender.<sup>24</sup>

<sup>22</sup> Under ss. 490.0145 and 490.0144, F.S., only a person who is licensed as a psychologist, clinical social worker, marriage and family therapist, or mental health counselor and who possesses education and training requirements specified in rule may practice juvenile sex offender therapy. See Rule 64B19-18.0025 (requiring the following for psychologists: coursework or training in child behavior and development, child psychopathology, and child assessment and treatment and 30 hours training in juvenile sex offender assessment and treatment); and Rule 64B4-7.007 (requiring the following for clinical social workers, marriage and family therapists, or mental health counselors: education and training in child development and psychopathology, developmental sexuality, interaction between sexuality, sexual arousal patterns, sexual dysfunctions, disorders, and deviancy, victim empathy, use/misuse of defense mechanisms, compulsivity management, social resilience, group therapy, and legal, ethical, and forensic issues in juvenile sexual offender treatment, and 20 hours of continuing education every two years in the aforementioned subjects).

<sup>23</sup> The areas of continuing education specified by the bill are: DSM-IV diagnoses related to sexual offenders; etiology of sexual deviance; science-based sexually delinquent evaluation and risk assessment and treatment techniques; use of plethysmographs, visual reaction time, and polygraphs in the evaluation, treatment, and monitoring of juveniles who have committed sexually delinquent acts; evaluation and treatment of special populations; or legal and ethical issues in the evaluation and treatment of juveniles who have committed sexually delinquent acts.

<sup>24</sup> Fiscal impact estimated to be \$530,000, based upon a cost of \$1,200 per evaluation multiplied by 696 (the number of youth found to have committed sexual delinquency crimes in FY 2004-05) less \$304,500 (the amount that the DJJ had available for evaluations in the same FY.)

- Specified that the results and recommendations of the psychosexual evaluation are to be provided to the court in the offender’s predisposition report (PDR), if a PDR is completed, or in writing at least 48 hours prior to the disposition hearing, if a PDR is not completed.
- Required a court to consider a juvenile sexual offender’s psychosexual evaluation prior to imposition of a community-based juvenile sexual offender treatment program.
- Repealed the current law’s description of a comprehensive assessment focused on sexual deviancy, given the more comprehensive definition of “psychosexual evaluation” added by the bill to the chapter’s definition section.

**Juvenile Sexual Offense Data**

- In FY 2000-01, 1,897 youths (1,845 males and 52 females) were referred to the DJJ for felony sexual offenses. That number decreased by 7% to 1,766 (1,678 males and 88 females) in FY 2004-05. The number of youths who actually received sanctions is much lower than the number of referred youths because many cases are non-filed or are non-judicially diverted (see Table 1 below).<sup>25</sup>

<b>Table 1: Case Outcomes for Youth Referred for Felony Sexual Delinquency, FY 2004-05</b>		
<b>Case Outcome</b>	<b>Males</b>	<b>Females</b>
Diverted	135	7
Probation	403	14
Commitment	223	9
Transfer to Adult	117	2
<b>Total</b>	<b>878</b>	<b>32</b>

- In FY 2000-01, 202 youths (159 males, 43 females) were referred to the DJJ for misdemeanor sexual offenses. That number decreased by 29% to 143 (122 males, 21 females) in FY 2004-05. Similar to youths referred for felony sexual offenses, the number of youths who actually received sanctions for misdemeanor sexual offenses is much lower than the number of referred youths (see Table 2 below).<sup>26</sup>

<sup>25</sup> *Id.* at p. 12.

<sup>26</sup> *Id.*

Case Outcome	Males	Females
Diverted	35	6
Probation	37	1
Commitment	8	1
Transfer to Adult	0	0
<b>Total</b>	<b>80</b>	<b>8</b>

- In FY 2005-06, 1,767 youths (1,698 males, 69 females) were referred to the DJJ for felony sexual offenses. That number is a decrease of 7% from FY 2000-01. The number of youths who actually received sanctions is much lower than the number of referred youths because many cases are non-filed or are non-judicially diverted (see Table 3 below).<sup>27</sup>

Case Outcome	Males	Females
Diverted	138	9
Probation	316	15
Commitment	187	1
Transfer to Adult	118	3
<b>Total</b>	<b>759</b>	<b>28</b>

- In FY 2005-06, 195 youths (146 males, 49 females) were referred to the DJJ for misdemeanor sexual offenses. That number is a decrease of 3 % from FY 2000-01. Similar to youths referred for felony sexual offenses, the number of youths who actually received sanctions for misdemeanor offenses is much lower than the number of referred youths because many cases are non-filed or are non-judicially diverted (see Table 4 below).<sup>28</sup>

<sup>27</sup> Source: Preliminary analysis of FY 2005-06 DJJ Delinquency Profile data, Office of Research and Planning, September 22, 2006.

<sup>28</sup> *Id.*

Case Outcome	Males	Females
Diverted	39	5
Probation	46	18
Commitment	5	2
Transfer to Adult	2	0
<b>Total</b>	<b>92</b>	<b>25</b>

- In FY 2005-06, the eight most frequently referred sexual offenses were as follows: sexual battery by an offender under 18 years of age and a victim under 12 years of age (life felony); lewd and lascivious molestation by an offender under 18 years of age and a victim under 12 years of age (second degree felony); lewd and lascivious molestation by an offender under 18 years of age and a victim 12 years of age or older but under 16 years of age (third degree felony); lewd and lascivious battery on a victim 12 years of age or older but under 16 years of age (second degree felony); lewd and lascivious exhibition by an offender under 18 years of age and a victim under 16 years of age (third degree felony); indecent exposure (first degree misdemeanor); lewd and lascivious conduct by an offender under 18 years of age and a victim under 16 years of age (third degree felony); and sexual battery on a victim 12 years of age or older without his or her consent and no physical force likely to cause serious injury (second degree felony) (see Table 5 below).<sup>29</sup>

**TABLE 5**  
**Most Frequent Sexual Offenses (FY 2005-06)**

Offense	Statute	Frequency (n)
Sexual battery by offender under 18 and victim under 12	794.011(2)(b)	925
Lewd Lascv molestation by offender under 18 and victim under 12	800.04(5)(c)1.	624
Lewd Lascv battery victim is 12 up to 15	800.04(4)(a)	392
Lewd Lascv molestation victim is up to 16	800.04(5)(d)	386
Lewd Lascv exhibition by person under 18 and victim under 16	800.04(7)	212
Indecent exposure	800.03	202

<sup>29</sup> *Id.* There were 56 types of sexual offenses referred in FY 2005-06. The total number of sexual offense referrals was 3,568.

Lewd Lascv conduct by person under 18 and victim under 16	800.04(6)(c)	187
Sexual battery victim over 12 w/o physical force causing damage	794.011(5)	119
<b>Total</b>		<b>3,047</b>

**Interested Stakeholders Input**

The following points were made by various juvenile justice stakeholders participating in the project:

- Numerous prosecutors said they have no problem with the current term “juvenile sexual offender” or its definition as long as the only consequence it triggers is a psychosexual evaluation. Currently, in and of itself, the term or definition does not trigger registration sanctions in the juvenile system, unlike in the adult system. If prosecutors feel that a juvenile is dangerous and should be on the sexual offender registry, they can transfer that juvenile to the adult system and if convicted and sentenced as an adult, that juvenile will be subject to adult sanctions, including registration as a sexual offender or predator. On the other hand, if juveniles were required to be registered in the juvenile system as a result of this definition, then prosecutors felt that the definition would definitely need to be narrowed.
- One prosecutor who felt the current term and definition should be retained, offered a suggestion for compromise if the overall consensus indicates some change is necessary. The suggestion is to retain the “juvenile sexual offender” designation for juveniles committing more serious sexual offenses, and make the other “juveniles with sexual behavioral problems” designation for juveniles committing less serious sexual offenses (maybe those who do not directly sexually batter or molest another child or animal). In the case of lewd and lascivious exposure, which does not involve any direct contact with another child, make the “juvenile sexual offender” designation apply when the juvenile exposes himself or herself to a child who is at least three years younger than the juvenile.
- The Florida Public Defenders Association felt that the “juvenile sexual offender” designation should be deleted to avoid unfairly labeling a child as such. The Association indicated that this term is highly stigmatizing and inflammatory. The definition is also overbroad, causing a child who is

“dirty dancing” or having girlfriend/boyfriend consensual sexual activity to be labeled the same way as a sexual assault offender.

- If the designation “juvenile sexual offender” must be retained, a compromise suggested by the Florida Public Defenders Association is to restrict its use to juvenile offenders over the age of 12 who have been adjudicated on a minimum of two separate forcible sexual offenses, if the juvenile has had a psychosexual evaluation by a qualified professional and if the court has made a finding that the juvenile is a sexual offender.

Interested juvenile justice stakeholders participating in this project felt that a comprehensive psychosexual evaluation by a qualified professional would facilitate the appropriate treatment for a juvenile prior to commitment. The Florida Public Defenders Association noted that a post-adjudicatory psychosexual evaluation could also be appropriate for any juvenile adjudicated with a sexually related offense, if the behavior was non-consensual.

**RECOMMENDATIONS**

Changing the term “juvenile sexual offender” to “juveniles with sexual behavioral problems” as the Task Force suggests is basically a policy decision for the Legislature. Neither the term nor its definition, in and of itself, trigger additional sanctions in the juvenile system like it does in the adult system (e.g., registration as a sexual offender or predator). If it appears that a juvenile who commits a sexual offense is really dangerous, according to prosecutors, in the interest of public safety, they typically transfer him or her to the adult system, thereby potentially triggering the registration designation. The majority of prosecutors participating in this project suggest making no change to the term or definition as long as it only triggers a psychosexual evaluation and not something more punitive such as registration.

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sexual offenses. The Florida Public Defenders Association suggests deleting the term from the statute.

However, no matter what term or definition is used to describe these juveniles, juvenile justice stakeholders participating in this project felt that it should facilitate a comprehensive psychosexual evaluation by a qualified professional, adequately assessing what kind of treatment is the most appropriate and how best to deliver that treatment (e.g., in the community or in a residential commitment facility).

If members wish to make a policy change by modifying the term "juvenile sexual offender" or its definition,

this change could be accomplished by one of the options (or a variation of either) suggested by some of these stakeholders as follows:

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