

The Florida Senate
PROFESSIONAL STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Criminal and Civil Justice Appropriations Committee

BILL: CS/SB 732

INTRODUCER: Criminal Justice Committee; Senator Dawson and others

SUBJECT: Lachele Nance Child Abduction Act

DATE: April 10, 2007 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Dugger	Cannon	CJ	Fav/CS
2.		Jameson	CF	Withdrawn
3.	Sadberry	Sadberry	JA	Favorable
4.				
5.				
6.				

I. Summary:

The CS/SB 732 would require the Department of Juvenile Justice (DJJ) to establish an immigration status screening program “within the limits of specific appropriations for this purpose.” Because of this restrictive appropriations language, the CS would appear to codify the DJJ’s current practice of screening a large random sample of juveniles entering secure detention.

The new section of law requiring immigration status checks on juveniles held in secure detention would be named the “Lachele Nance Child Abduction Act.”

This bill creates section 985.6011 of the Florida Statutes.

II. Present Situation:

Last session the General Appropriations Act provided \$48,915 in non-recurring general revenue funds to the DJJ for citizenship screening of juveniles in the department’s care and custody. This appropriation was an attempt to reduce the frequency of crimes committed by non-U.S. juvenile citizens through careful screening and subsequent reporting of such to the United States Immigration and Customs Enforcement (ICE). According to the DJJ, the impetus for this screening process was an incident in South Florida in which a 17-year old male, a non-U.S. citizen, who had previously been in the department’s custody for unrelated charges, abducted an 8-year old female. She was sexually assaulted and abandoned in a landfill. The juvenile was later arrested and charged as an adult for this assault.

Based upon the appropriation noted above, the DJJ started screening juveniles entering secure detention to determine their citizenship, using the ICE database, on July 31, 2006. However, because of the large volume of affected juveniles and the limited resources of ICE, the department has only been screening a large but random sample of juveniles entering secure

detention. (The department relies on the initial citizenship information provided by the law enforcement officer taking a juvenile into custody. If that information is unknown, the DJJ seeks verification from ICE.) Currently, the screening is done through the department's Central Communications Center, which is a 24-hour incident reporting system.

Since the DJJ started this process, about 6,290 juveniles have been screened, resulting in approximately 226 "hits" (screenings resulting in information from ICE that a non-U.S. juvenile citizen is potentially in this country illegally). The DJJ states that ICE has not provided feedback on what follow-up actions have been taken on these juveniles identified as illegal aliens. However, ICE indicated to DJJ that it will only take action on the ones committing "egregious felonies."

III. Effect of Proposed Changes:

CS/SB 732 requires the Department of Juvenile Justice (DJJ) to establish an immigration status screening program within the limits of specific appropriations for this purpose. The new section of law requiring immigration status checks on juveniles held in secure detention would be named the "Lachele Nance Child Abduction Act."

The CS appears to codify the current practice of screening a large random sample of juveniles entering secure detention because of the language "within the limits of specific appropriations for this purpose." However, the department notes that the current appropriation for this purpose is non-recurring, and if it is not continued beyond the current fiscal year, the DJJ will not have adequate funding to maintain this screening process.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The DJJ states that although the bill does not provide additional funding, in order to adequately conduct citizenship screenings on **all** juveniles entering secure detention, the DJJ would need two additional FTEs. The non-recurring cost would be \$9,452 in FY 2007/08. The recurring cost is estimated to be \$129,397 for both FY 2007/08 and FY 2008/09. This amount includes salaries, expenses, travel and human resources services associated with the additional FTEs, according to the department.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Summary of Amendments:

None.

This Senate Professional Staff Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
