



1212 New York Ave. N.W.
Suite 900
Washington, D.C. 20005
202-525-5717

Free Markets. Real Solutions.
www.rstreet.org

Testimony from:

Jesse Kelley, Government Affairs Specialist, R Street Institute

In SUPPORT of HB 575, "AN ACT relating to direct filing of an information."

March 26, 2019

House Criminal Justice Subcommittee

My name is Jesse Kelley, and I am the Government Affairs Specialist for the R Street Institute, a nonprofit, nonpartisan public policy research organization. Our mission is to engage in policy research and outreach to promote free markets and limited, effective government in many areas, including juvenile justice reform, which is why HB 575 is of special interest to us.

Due to Florida's current direct-file statute, prosecutors have too much power over which children stay in juvenile court and which are transferred to the adult system, and there is no minimum age for transferring a child to adult court. Sadly, most children tried in adult court are there for nonviolent offenses.

The R Street Institute strongly supports limiting the use of direct-file, because the adult system is simply ill-equipped to serve young people.

Trying children in the adult system often results in negative future outcomes for the children involved and decreases public safety overall. This is because children in adult facilities are extremely vulnerable to physical and sexual abuse, isolated, and deprived of developmentally appropriate rehabilitative services. When children are put at risk in this manner and fail to receive proper services, they become more likely to commit crimes as adults.

In contrast, most youth in the juvenile justice system will not offend as an adult. By sending children to the adult system, the state of Florida is actually creating more crime.

While we acknowledge that serious offenses committed by young people can have significant consequences for victims and that the state has a duty to ensure accountability, it is equally important

that the state address its responsibility to avoid permanently harming the development and rehabilitation of minors. Ultimately, nearly all justice-involved youth will eventually return to their communities, and the justice system needs to equip them with the skills required to successfully re-enter society.

In those rare cases where minors commit violent crimes, a grand jury indictment or waiver would still be possible. However, right now the use of direct-file accounts for 98 percent of children that end up in the adult system.¹ The R Street Institute stands in support of limiting direct-file while simultaneously believing that young people should be held accountable.

For these and other reasons, we support the advancement of HB 575 and present ourselves available for additional questions.

Thank you for your consideration.

Jesse Kelley, Esq.
Government Affairs Specialist, Criminal Justice Policy
R Street Institute
jkelley@rstreet.org

¹ Kevin Huguelet. "Florida's Direct File Law: How State Attorneys Hold Too Much Power." University of Miami Law Review. Volume 72, Issue 4. June 30, 2018. <https://lawreview.law.miami.edu/floridas-direct-file-law-state-attorneys-hold-power/>