



2021 Bill Highlights

As of 5/3/2021

SB 626 & HB 303 – Juvenile Justice & Minimum Age for Arrest

Sponsors: Senator Bracy (D- Orlando) & Representative Williams (D- Ft. Lauderdale)

Outcome: SB 626 made it into the other chamber. HB 303 died in its second committee.

Target Population: Children that are 6 years old or younger, law enforcement officials.

Summary: Sets a minimum age requirement for a child to be lawfully arrested unless they commit a forcible felony. Prohibits a child younger than 7 from being taken into custody, arrested, charged, or adjudicated delinquent, unless a forcible felony is committed.

How the bills differ:

- Bills are identical.

Impact: Two years ago, a six-year-old Orlando girl was taken from her first-grade class, handcuffed and arrested for throwing a tantrum. Kaia, the first-grader, suffers from sleep apnea, a disorder that restricts her ability to sleep at night. Tired from her lack of sleep, Kaia was unable to control herself in class. She was sent to the principal's office, fingerprinted and ultimately arrested - at age 6.

According to The Children's Defense Fund, approximately 1,995 children in the U.S. are arrested for minor incidents every day. In 2019, Florida documented 2,781 arrests involving children between the ages of 5 and 12 years old. These young, elementary-aged children are exposed to painful experiences that cause post-traumatic stress, depression, anxiety, etc. This level of psychological harm can have long-term effects on children's development.

Studies have shown that 66 percent of youth who have been arrested will become repeat offenders within 24 months and 49 percent will experience recidivism within the first year. Children that undergo an initial arrest are more likely to continue interacting with the justice system.

This bill will keep typical childhood behavior from being criminalized and Florida's youngest children from interacting with the state's juvenile justice system. The Children's Campaign supports legislation that keeps children out of the juvenile justice system for youthful misdeeds.

Effective Date: July 1st, 2021

