

HB 1179 – Criminal Offenders

This bill amends and creates multiple statutes. First, it creates s. 775.0201, F.S., adding a ten year mandatory prison term for sexual predators and sexual offenders who commit specific sexual offenses, which will be consecutive to the other sentences imposed.

See “Criminal Offenders” Handout for a subset of the effect.

CONFERENCE ADOPTED ESTIMATE: **Bed Impact**

This bill also amends s. 796.04, F.S., increasing the penalties for forcing, compelling, or coercing another to become a prostitute. Currently, it is an unranked, 3rd degree felony for anyone committing this violation. The bill makes it an **unranked, 3rd degree felony** for anyone committing a first offense. A second offense is an **unranked, 2nd degree felony**, and a third or subsequent offense is an **unranked, 1st degree felony**. Furthermore, it amends s. 943.0435, F.S., adding those who commit the 2nd and 1st degree felonies to the criteria for “sexual offender.”

Per DOC, in FY 14-15, 1 offender was sentenced for this offense, and that offender was not sentenced to prison. It is unknown how many times that offender had committed this offense.

In FY 14-15, the incarceration rate for an unranked, 3rd degree felony was 9.9%. The incarceration rate for an unranked, 2nd degree felony was 26.7%. The incarceration rate for an unranked, 1st degree felony was 73.5%.

CONFERENCE ADOPTED ESTIMATE: **Positive Insignificant**

This bill also expands the pool of those required to register as a sexual offender by adding offenders convicted of “forcing, compelling or coercing another to become a prostitute” and “deriving support from proceeds of prostitution.” Furthermore, it creates s. 948.33, F.S., outlining the terms and conditions that the court must impose on sexual predators and sexual offenders subject to probation and community control who committed qualifying sexual offenses on or after October 1, 2016. This includes a mandatory curfew (10 PM to 6 AM), submission to electronic monitoring, and other restrictions. Additionally, it expands “the group of sex offenders who must comply with standard sex offender conditions of supervision.” A sentencing court also has the discretion to impose these conditions on a probationer or community controllee not described under the definition of sex offender or sexual predator, but whose violations are relevant.

Per DOC, in FY 14-15, 220 offenders under sex offender probation were sentenced to prison for a technical violation and 1,540 offenders under community control were sentenced to prison for a technical violation. The number under sex offender probation and the number of sex offenders/predators under community control that committed violations of restrictions similar to those outlined in this bill cannot be determined. It is also unknown how many more sexual predators and sexual offenders currently under supervision might be subject to stricter penalties. Finally, the expansion of electronic monitoring requirements would create additional situations for potential technical violations among sexual predators and sexual offenders.

CONFERENCE ADOPTED ESTIMATE: Positive Indeterminate

**CONFERENCE ADOPTED ESTIMATE FOR ENTIRE BILL:
Positive Significant**

Requested by: House

HB 1179

Criminal Offenders

October 1, 2016 Effective Date

The Criminal Justice Estimating Conference met on 1/26/2016 and estimated the following net impact on the inmate population over the next five years:

a	b	c	FUNDS REQUIRED			
Fiscal Year	Projected Cumulative Prison Beds Required	Projected Additional Annual Prison Beds Required	Annual Operating Costs	Annual Fixed Capital Outlay Costs	TOTAL Annual Funds	TOTAL Cumulative Funds
2016-2017	0	0	\$0	\$61,859	\$61,859	\$61,859
2017-2018	1	1	\$9,963	\$127,924	\$137,887	\$199,746
2018-2019	3	2	\$40,766	\$198,027	\$238,793	\$438,539
2019-2020	6	3	\$93,929	\$747,153	\$841,082	\$1,279,620
2020-2021	17	11	\$246,031	\$976,598	\$1,222,629	\$2,502,249
Total	17	17	\$390,688	\$2,111,561	\$2,502,249	\$2,502,249

Prepared by Florida Legislature, Office of Economic and Demographic Research, January 25, 2016

FY 2014-15 operating costs per inmate were obtained from DOC. The \$51.65 per diem (\$18,852 annual cost) is for all department facilities (excluding private institutions and approximately 150 beds in PRCs) and includes operations, health services, and education services. It does not include debt service costs. It also does not include indirect and administrative costs of \$3.34 per inmate (state facilities). Operating costs in future years were increased by the change in the CPI from the National Economic Estimating Conference.

FY 2006-07 capital costs per bed were based on Department of Corrections cost to build Suwanee CI (\$94,000,000 for 2,003 lawful capacity beds) as reported at the Criminal Justice Impact Conference held February 23, 2010. Capital costs in later years were increased by the change in the chained price index for state and local construction spending obtained from Global Insight, Inc.

Note: This impact statement is not intended to represent the direct appropriations impact of this bill. Rather, it provides a stand-alone estimate of the prison bed need of this particular bill. Cost data are included to allow a comparison of the impact of this bill with other proposed legislation. The actual appropriation associated with passage of this bill will differ depending on a number of factors including the existing inventory of prison beds.