

HB 1385 – Domestic Violence (Identical SB 1564)

Amends s. 775.08435, F.S., stating that the court may not withhold adjudication of guilt for a domestic violence 3rd degree felony as defined in s. 741.28, F.S., unless the state attorney requests in writing that it be withheld or “the court makes written findings that the withholding of adjudication is reasonably justified based on circumstances or factors in accordance with s. 921.0026.”

Per FDLE, in FY 15-16, there were 228 adjudications withheld for 3rd degree domestic violence. Those with adjudications withheld are not sentenced to prison. However, an adjudication of guilt does not require a court to impose a prison sentence. The sentencing scoresheet determines eligibility for a prison sentence, and since the statute does not affect the scoresheet, prison sentencing decisions would not be impacted by the changes in this bill.

CONFERENCE ADOPTED ESTIMATE: No Impact

Requested by: House