

SB 694 – Mandatory Sentences

This bill amends s. 893.135, F.S., adding that a “court may sentence a person who has been convicted of an offense under this section to a term of imprisonment less than the mandatory minimum if the court finds on the record that all of the following circumstances exist:

“(a) The person did not engage in a continuing criminal enterprise as defined in s. 893.20(1).

(b) The person did not use or threaten violence or use a weapon during the commission of the crime.

(c) The person did not cause a death or serious bodily injury.”

Per DOC, in FY 16-17, there were 1,914 (adj.) offenders sentenced for drug trafficking offenses, and 1,462 (adj.) were sentenced to prison (mean sentence length=75.1 m, incarceration rate: 76.4% adj.-76.4% unadj.). It is not known how many of these cases included the above criteria. Furthermore, almost 25% of offenders charged with these trafficking offenses did not receive prison sanctions. When sanctions were enforced, sentences were given below their mandatory minimums. Therefore, it cannot be determined how these changes to the language would affect current court practices

CONFERENCE ADOPTED ESTIMATE: Negative Significant

Requested by: Senate