

## **CS/SB 1030 – Mitigating Circumstances in Sentencing**

This bill amends s. 921.0026(2)(d), F.S., adding the following for mitigating circumstances under which a departure from the lowest permissible sentence is reasonably justified: “For an offense committed on or after July 1, 2019, the defendant requires specialized treatment for a mental disorder, a substance addiction that predates the date of the offense, or a physical disability, and the defendant is amenable to treatment.” Under current law, a mental disorder should be unrelated to substance abuse or addiction and “the defendant’s substance abuse or addiction, including intoxication at the time of the offense, is not a mitigating factor.” This language would no longer apply for offenses committed on or after July 1, 2019.

Per DOC, on June 30<sup>th</sup>, 2018, roughly 60% of the inmate population had a substance abuse problem. It is not known how many of these people fit the criteria for mitigating circumstances. However, in FY 17-18, there were 32,369 (adj.) offenders sentenced for drug possession offenses under s. 893.13, F.S., and 2,831 (adj.) were sentenced to prison (mean sentence length=23.0 m, incarceration rate: 8.8% adj.-8.8% unadj.). There were 9,424 (adj.) offenders sentenced for sale, manufacture, and delivery penalties under s. 893.13, F.S., with 3,299 (adj.) sentenced to prison (mean sentence length=37.1 m, incarceration rate: 35.0% adj.-35.0% unadj.). Although these offenses do not indicate substance abuse problems, it is likely that due to their nature a large number of those sentenced to prison would fit the criteria added in the bill. Additionally, these sentences tend to be shorter in length, and represent the largest share of all offense categories for year-and-a-day sentences, with 27.6% in FY 17-18, and a total of 565 new commitments.

**CONFERENCE ADOPTED ESTIMATE: Negative Significant**

**Requested by: Senate**