

SB 400 – Mandatory Sentences

This bill amends s. 893.135, F.S., adding that a “a court may impose a sentence for a violation of this section other than the mandatory minimum term of imprisonment and mandatory fine 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 17-18, there were 1,269 offenders fitting the criteria to be eligible for a sentence other than a drug trafficking mandatory minimum. Of those, 511 (40.3%) received a sentence less than the mandatory minimum, with 264 receiving a prison sentence and 247 receiving probation. Therefore, it cannot be quantified how these changes to the language would affect current court practices.

CONFERENCE ADOPTED ESTIMATE: Negative Significant

Requested by: Senate