

SB 834 – Presentencing Consideration

This bill creates s. 921.245, F.S., stating that “a defendant who is found guilty of committing a nonviolent offense may request that a sentencing court impose a sentence only after determining whether the defendant is a primary caretaker of a dependent child. If a defendant moves for such determination, by written motion supported by an affidavit, the court must make written findings concerning the defendant being a primary caretaker and the availability of appropriate individually assessed nonincarcerative sentence alternatives. The court may not impose a sentence of incarceration without first making such written findings. If the court determines that the defendant is a primary caretaker of a dependent child and identifies an available, appropriate nonincarcerative sentence, it may impose the nonincarcerative sentence with conditions, which must be in writing and must emphasize community rehabilitation and parent child unity and support.”

There were 29,882 inmates in the prison population on June 30, 2018 who reported having children, with about half of these having committed nonviolent offenses. It is not known how many of these people are primary caregivers, and it is not known how many more inmates have children that do not report this information. Furthermore, since this data is collected from the prison population while incarcerated, it cannot be determined how many inmates with children were admitted to prison in FY 17-18.

CONFERENCE ADOPTED ESTIMATE: Negative Significant

Requested by: Senate