

CS/CS/SB 1286 – Contraband in Specified Facilities

Amends s. 916.1085, F.S., adding to the list of contraband items that it is unlawful to introduce into forensic facilities the following: “marijuana as defined in s. 381.986, F.S., hemp as defined in s. 581.217, F.S., or industrial hemp as defined in s. 1004.4473, F.S.” Furthermore, “any cellular telephone or other portable communication device as described in s. 944.47(1)(a)6, F.S.,” and “any vapor-generating electronic device as defined in s. 386.203, F.S.” are now contraband (1st degree misdemeanor) if they are “intentionally and unlawfully introduced inside the secure perimeter of any forensic facility under the operation and control of the department or agency.” The previous Level 1, 3rd degree felony for introducing a controlled substance is now elevated to a **Level 4, 3rd degree felony** along with “any firearm or deadly weapon.”

This bill also amends s. 944.47, F.S., adding “marijuana as defined in s. 381.986, F.S., hemp as defined in s. 581.217, F.S., industrial hemp as defined in s. 1004.4473, F.S.” to the current Level 4, 2nd degree felony for introducing a controlled substance into a Florida Department of Corrections facility. Furthermore, “any vapor-generating electronic device as defined in s. 386.203, F.S., intentionally and unlawfully introduced inside the secure perimeter of any state correctional institution” is also added as a 1st degree misdemeanor.

This bill also amends s. 951.22, F.S., adding “marijuana as defined in s. 381.986, F.S., hemp as defined in s. 581.217, F.S., industrial hemp as defined in s. 1004.4473, F.S.” to the current Level 4, 3rd degree felony for introducing a controlled substance into county detention facilities. Also, it adds to the language currently existing for cell phone or other portable communication device that for it to be considered contraband it would need to be “intentionally and unlawfully introduced inside the secure perimeter of any county detention facility.” Furthermore, “any vapor-generating electronic device as defined in s. 386.203, F.S., intentionally and unlawfully introduced inside the secure perimeter of any county detention facility” is also added as a 1st degree misdemeanor.

Finally, this bill amends s. 985.711, F.S., adding “marijuana as defined in s. 381.986, F.S., hemp as defined in s. 581.217, F.S., industrial hemp as defined in s. 1004.4473, F.S.” to the current Level 4, 2nd degree felony for introducing a controlled substance into juvenile detention facilities. Furthermore, “any cellular telephone or other portable communication device as described in s. 944.47(1)(a)6, F.S.,” and “any vapor-generating electronic device as defined in s. 386.203, F.S.” are now contraband (1st degree misdemeanor) if they are “intentionally and unlawfully introduced inside the secure perimeter of any forensic facility under the operation and control of the department or agency.”

Per DOC, in FY 18-19, there were 11 new commitments for introducing a controlled substance into a state prison and 132 new commitments for introducing contraband into a county detention facility (type of contraband not defined). There were no commitments

for introduction of controlled substances into a DCF or DJJ facility. It is not known how the recent changes to marijuana law impacted contraband offenses prior to this amended language.

EDR RECOMMENDED ESTIMATE: Positive Indeterminate