

SB 468 – Mandatory Sentences

This bill amends s. 893.135, F.S., adding that for a trafficking offense under this section the court may impose a sentence 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), F.S.
- (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 18-19, there were 1,382 offenders fitting the criteria for eligibility under the above language. Of those, 37.4% received a sentence under the mandatory minimum, with 274 receiving a prison sentence under the mandatory minimum and 243 receiving a probation sentence. Given the discretion given to judges, the impact cannot be quantified.

CONFERENCE ADOPTED ESTIMATE: Negative Indeterminate

Requested by: Senate