

SB 550 – Sentencing

This bill amends s. 921.00241, F.S., expanding the number of offenders eligible for a prison diversion program to include those with a 2nd degree felony and those with total sentence points that are 60 points or fewer. Currently, those eligible for receiving a nonstate prison sanction under the prison diversion program are those with a primary offense that is a 3rd degree felony and with total sentence points that are not more than 48 points, or as high as 54 points with 6 of those points for a probation/community control/other community supervision violation that does not involve a new violation of law. The requirement that the current or prior offense cannot be a forcible felony (excluding a 3rd degree felony under chapter 810) and that it does not require a minimum mandatory sentence still remain. This would apply to offenders sentenced on or after October 1, 2020.

Per DOC, there were 10,311 admitted to prison in FY 17-18 who fit the criteria outlined in the amended statute. It should be noted that a certain proportion of this number received prison sentences while eligible under the current statute, so while this bill would likely decrease prison sentences for offenders with 2nd degree felonies/higher sentence points, it should also do the same for offenders currently eligible who received prison sentences. Additionally, those offenders who would remain ineligible for prison diversion with sentencing points greater than 60 could see a decrease in prison admissions for similar reasons. Historical data from DOC has shown that following the initial creation of the prison diversion program, those who were between 54 and 60 sentence points, while fitting all other eligibility requirements, also saw a decrease in prison sentences. Due to this apparent balancing of overall sentencing practices to adjust to a new statute for a cohort of similar offenders, the prison bed impact cannot be quantified. However, given the large number of eligible offenders sentenced to prison and the adjustments to sentencing for both eligible and ineligible offenders, the impact is expected to be significant.

CONFERENCE ADOPTED ESTIMATE: Negative Significant

Requested by: Senate