

HB 1127 – Prison Releasee Reoffender Sentencing (Identical SB 210)

This bill amends s. 775.082, F.S., removing “preponderance of the evidence” for how a state attorney establishes that a defendant is a prison releasee reoffender, as well as deleting that the defendant “is not eligible for sentencing under the sentencing guidelines.” Furthermore, it adjusts how the prison releasee reoffenders must be sentenced to the following:

- for a felony punishable by life, to a term of 25 years (currently Life)
- for a felony of the 1st degree, to a term of 20 years (currently 30 years)
- for a felony of the 2nd degree, to a term of 10 years (currently 15 years)
- for a felony of the 3rd degree, to a term of 3 years (currently 5 years)

This would also apply retroactively to those offenders currently incarcerated and those not sentenced before the effective date. A process for resentencing currently incarcerated offenders is explained in detail, with the note that if DOC and the court of original jurisdiction determine eligibility, they must be resentenced under the new statutory language. Additionally, all prison releasee reoffenders would now be eligible for gain-time, with those currently incarcerated receiving any gain-time not accrued prior to passage of the law. This law would go into effect on July 1, 2021.

Per DOC, in FY 18-19, there were 510 potentially eligible releasee reoffenders admitted to prison, with 374 admitted in FY 19-20. Currently, there are 7,372 potentially eligible releasee reoffenders incarcerated with varying mandatory sentences: 1,005 with 5 years, 3,505 with 15 years, 825 with 30 years, 1,809 with Life, and 228 listed as “Other” (sentence lengths that do not conform to the mandatory minimums). It should be noted that this is strictly releasee reoffender sentence length, rather than the full length of their prison sentences.

With the retroactive application of gain-time and lowered mandatory sentence lengths, the large number of offenders in the 5 years and 15 years groups with varying lengths of time spent in prison would likely be enough to have a significant impact on the prison population. However, without enough information on gain-time application and determination of eligibility, the bed impact cannot be quantified.

CONFERENCE ADOPTED ESTIMATE: Negative Significant

Requested by: Senate