

By the Committee on Criminal Justice; and Senator Brandes

591-02583-18

20181218c1

1 A bill to be entitled
2 An act relating to persons awaiting trial; creating s.
3 907.042, F.S.; providing legislative findings;
4 requiring the Department of Corrections to develop a
5 risk assessment instrument; authorizing the department
6 to use or modify an existing risk assessment
7 instrument; requiring the department to develop or
8 modify the risk assessment instrument by a certain
9 date; specifying requirements for the use,
10 implementation, and distribution of the risk
11 assessment instrument; creating the Risk Assessment
12 Pilot Program for a specified period; specifying the
13 participating counties; requiring each participating
14 county's chief correctional officer to contract with
15 the department to administer the risk assessment
16 instrument; requiring all counties to administer the
17 risk assessment instrument to all persons arrested for
18 a felony; requiring each participating county to
19 submit a report annually by a certain date to the
20 department with specified information; requiring the
21 department to compile the information of the findings
22 from the participating counties and submit an annual
23 report by a certain date to the Governor and the
24 Legislature; authorizing the department, in
25 consultation with specified persons, to adopt rules;
26 providing an effective date.

27
28 Be It Enacted by the Legislature of the State of Florida:
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30 Section 1. Section 907.042, Florida Statutes, is created to
31 read:

32 907.042 Risk Assessment Pilot Program.-

33 (1) LEGISLATIVE FINDINGS.-The Legislature finds that there
34 is a need to use evidence-based methods to reduce recidivism.
35 The Legislature finds that the use of actuarial instruments that
36 classify offenders according to levels of risk to reoffend
37 provides a more consistent and accurate assessment of an
38 offender's risk and needs. The Legislature also finds that
39 research indicates that using accurate risk and needs assessment
40 instruments to identify appropriate interventions and
41 programming for offenders reduces recidivism.

42 (2) RISK ASSESSMENT INSTRUMENT.-

43 (a) The Department of Corrections shall develop a risk
44 assessment instrument that conducts a criminogenic assessment
45 for use in evaluating the proper placement and programming needs
46 for a person who is arrested. The risk assessment instrument
47 must consider, but need not be limited to, the following
48 criteria:

49 1. The nature and circumstances of the offense the person
50 committed.

51 2. The nature and extent of the person's prior criminal
52 history, if any.

53 3. Any prior history of the person failing to appear in
54 court.

55 4. The person's employment history, employability skills,
56 and employment interests.

57 5. The person's educational, vocational, and technical
58 training.

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59 6. The person's background, including his or her family,
60 home, and community environment.

61 7. The person's physical and mental health history,
62 including any substance use.

63 8. An evaluation of the person's criminal thinking,
64 criminal associates, and social awareness.

65 (b) The Department of Corrections may use or modify an
66 existing risk assessment instrument, if the instrument contains
67 the criteria enumerated in paragraph (a).

68 (c) The Department of Corrections shall complete the
69 development or modification of a risk assessment instrument no
70 later than March 1, 2019. The department may begin to implement
71 the risk assessment instrument immediately upon completion.
72 Implementation, including training all staff that will
73 administer the risk assessment instrument, must be completed by
74 June 30, 2019.

75 (d) A representative of the county's chief correctional
76 officer shall administer the risk assessment instrument as early
77 as reasonably possible after a person's arrest, but no later
78 than 10 business days after the arrest. If a person is released
79 from jail pursuant to chapter 903 before the administration of
80 the risk assessment instrument, the chief correctional officer,
81 or his or her representative, must schedule and provide written
82 notification of a date and time for the person to return to the
83 jail for the administration of the risk assessment instrument.
84 The date and time must be provided in writing upon the person's
85 pretrial release. The risk assessment instrument may be
86 conducted by video teleconference.

87 (e) A risk assessment instrument report must be made

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88 available to the person to whom the instrument is administered,
89 his or her legal counsel, and the state attorney upon completion
90 of the report. The Department of Corrections shall submit to the
91 court the risk assessment instrument report, but the court may
92 not review it without the consent of the person who is the
93 subject of the report and his or her legal counsel.

94 (3) CREATION.—Contingent upon appropriations and a contract
95 with each participating county, it is the intent of the
96 Legislature to establish a 3-year Risk Assessment Pilot Program
97 to perform a risk assessment evaluation on all persons arrested
98 for a felony in participating counties.

99 (4) PARTICIPATING COUNTIES.—Participation in the pilot
100 program is limited to Hillsborough, Pasco, and Pinellas
101 Counties. Each participating county's chief correctional officer
102 shall enter into a 3-year contract with the Department of
103 Corrections for the ability to utilize the risk assessment
104 instrument that is developed in accordance with this section.

105 (5) PILOT PROGRAM REQUIREMENTS.—

106 (a) The participating counties shall administer the risk
107 assessment instrument to all persons arrested for a felony and
108 utilize the results of such risk assessment instrument as a tool
109 for determining appropriate programming and sentencing with the
110 goal of reducing recidivism.

111 (b) Each county participating in the pilot program shall
112 provide an annual report to the Department of Corrections by
113 July 1 of each year of the pilot program which details the
114 results of the administration of the risk assessment instrument,
115 programming used for persons who received the assessment, and
116 the success rate of such programming. The department shall

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117 compile the county reports and submit one annual report to the
118 Governor, the President of the Senate, and the Speaker of the
119 House of Representatives by October 1 of each year of the pilot
120 program.

121 (6) RULEMAKING.—The Department of Corrections, in
122 consultation with a participating county's chief correctional
123 officer, chief judge, state attorney, and public defender, may
124 adopt rules to administer this section.

125 Section 2. This act shall take effect upon becoming a law.