

THE FLORIDA SENATE
2012 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/CS/CS/HB 177 — Inmate Reentry

by Judiciary Committee; Rulemaking and Regulation Subcommittee; Criminal Justice Subcommittee; and Rep. Porth and others (CS/CS/SB 448 by Budget Subcommittee on Criminal and Civil Justice Appropriations; Criminal Justice Committee; and Senators Bogdanoff and Lynn)

This bill creates a new section of the Florida Statutes that requires the Department of Corrections (department) to develop and administer a nonviolent offender reentry program. The program is limited to inmates who are imprisoned for committing a nonviolent third degree felony and who have not previously been convicted of certain serious offenses. With approval of the sentencing court, nonviolent offenders with substance abuse issues who have served at least one-half of their sentence and who are selected by the department may participate in the program. If the offender successfully completes the program, the court must modify the offender's sentence and place him or her on drug offender probation. The modified sentence must be for a period at least as long as the remainder of the prison sentence if the sentence has not been modified.

Among the conditions of drug offender probation that can be ordered by the court is placement of the offender in a community residential or non-residential substance abuse treatment facility. If available in the county where the offender will live upon release from incarceration, the court can order participation in a postadjudicatory drug court program as a condition of probation.

The nonviolent offender reentry program is intended to divert nonviolent offenders from long periods of incarceration when a reduced period followed by intensive substance abuse treatment may have the same deterrent effect, protect the public, rehabilitate the offender, and reduce recidivism. The department is required to submit an annual report that includes details regarding the operation of the program as well as its goals and recommended legislative action. In addition, it must develop a method for tracking recidivism of program participants and report the recidivism rate in the annual report.

If approved by the Governor, these provisions take effect October 1, 2012.

Vote: Senate 40-0; House 112-4