

Committee on Criminal Justice

CS/CS/SB 752 — Probationary or Supervision Services for Misdemeanor Offenders

by Appropriations Committee; Criminal Justice Committee; and Senators Gainer, Pizzo, and Perry

The bill removes a statutory prohibition on a private entity providing probationary or supervision services to misdemeanor offenders who are sentenced by a circuit court. The bill also authorizes the Department of Corrections (DOC) to supervise misdemeanor offenders when such supervision is ordered by a circuit court, but retains the requirement that the DOC supervise felony offenders. Under current law, a private or a public entity may only provide probation services to offenders sentenced by a county court; and the DOC must supervise felony and misdemeanor offenders who are sentenced to or placed on probation or other supervision by a circuit court.

The bill transfers the authority to approve a contract with a private entity to provide supervision services for misdemeanor offenders from the county court judge or administrative judge to the chief judge of the circuit.

The bill authorizes probationers or offenders in community control to fulfill the reporting requirements of their terms and conditions of probation by reporting to their probation office remotely if approved by the relevant probation officer, county probation authority or entity, or the DOC, and if the court has not excluded remote reporting in its order of probation. If the DOC or a county probation authority authorizes remote reporting, the entity must adopt and make available remote reporting policies.

The bill requires the DOC to implement a graduated incentives system in a manner that encourages educational achievement and stable employment, in addition to promoting compliance with terms of supervision and prioritizing the highest level of supervision for probationers and offenders presenting the greatest risk of recidivism. The DOC must incentivize educational achievement by awarding a 60-day reduction in the term of supervision for a probationer or offender in community control who completes an educational advancement activity, such as obtaining a high school diploma, a high school equivalency degree, an academic degree, or a vocational certificate, during his or her term of supervision. The DOC must also incentivize stable employment by awarding a 30-day reduction in the term of supervision for a probationer or offender in community control who completes a period of “workforce achievement.” The bill defines “workforce achievement” as maintaining full-time, paid employment for at least 30 hours a week for a 6-month period. The DOC must verify such employment through supporting documentation, such as any record, letter, pay stub, contract, or other DOC-approved verification method.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 38-0; House 118-0