

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 1002

SPONSOR: Appropriations Subcommittee on Public Safety and Judiciary and Senator Cowin

SUBJECT: Department of Corrections

DATE: April 24, 2001                      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	_____	Cannon	CJ	Withdrawn
2.	_____	Wilson	GO	Withdrawn
3.	Mannelli	Beck	APJ	Favorable/CS
4.	_____	_____	AP	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

## I. Summary:

This Committee Substitute conforms statutory language to reductions and transfers in the FY 2001-02 Appropriations Bill:

- Transfers the Battereders' Intervention Program from the Department of Corrections (DOC) to the Department of Children and Family Services (DCF);
- Removes the Department of Corrections' responsibility for preparing sentencing scoresheets; and
- Deletes the Department of Corrections' responsibility for operating statewide pretrial intervention programs (PTI).

This bill substantially amends, creates, or repeals the following sections of the Florida Statutes: 741.32; 741.325; 945.76; 921.0024; 944.023; 944.026; 948.03; 948.08; and 948.09.

## II. Present Situation:

### **Battereders' Intervention Program:**

The Department of Corrections is responsible for certifying and monitoring programs which provide services to persons who have committed an act of domestic violence or those against whom an injunction for protection against domestic violence has been entered. The certification and monitoring are funded through user fees and are intended to standardize programs statewide.

### **Sentencing Scoresheets:**

Scoresheets must be prepared for defendants to determine the ranges for sentences that the court may impose. Either the Office of the State Attorney prosecuting the case or the Department of Corrections must prepare the scoresheet for review by the defense attorney and approval by the trial judge. At the present time, the department has primary responsibility for the preparation of

scoresheets in ten of the state's 20 judicial circuits, comprising approximately 28 percent of total sentencing scoresheets.

**Pretrial Intervention Programs:**

Pretrial intervention is a diversionary program designed to divert first-time offenders from unnecessary penetration into the criminal justice system. Current law directs the Department of Corrections to operate pretrial intervention programs to supervise persons charged with a crime before or after any information has been filed or an indictment has been returned and provide counseling, education, supervision, and treatment as available and when appropriate.

**III. Effect of Proposed Changes:**

The purpose of this committee substitute is to conform statutory language to Department of Corrections program reductions/transfers in Senate Bill 2000.

**Batterers' Intervention Program:**

This committee substitute would transfer the Office for Certification and Monitoring of Batterers' Intervention Programs from the Department of Corrections to the Department of Children and Family Services via a type two transfer. All powers, duties, and appropriations of the Office would become the responsibility of DCF. Fees assessed and collected from program participants would be deposited in the Executive Office of the Governor's Domestic Violence Trust Fund and directed to DCF for operating its certifying and monitoring programs.

**Sentencing Scoresheets:**

This committee substitute would place the responsibility for scoresheet preparation on the State Attorneys. This is a return to the situation which existed prior to 1995 when the Department of Corrections was first allowed to prepare scoresheets.

**Pretrial Intervention Programs:**

This committee substitute would eliminate the Department of Corrections' responsibility to supervise offenders placed in pretrial intervention programs by state attorneys. The proposal would give counties the discretion to fund and operate similar programs. All offenders under pretrial intervention supervision on the effective date of the act would have their cases returned to the appropriate state attorney for further action.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. **Economic Impact and Fiscal Note:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

**Batterers' Intervention Program:**

Eight FTE, \$254,809 in General Revenue, and \$319,630 in Trust Funds will be transferred from the Department of Corrections to the Department of Children and Family Services.

**Sentencing Scoresheets:**

The Department of Corrections budget would be reduced by 23 FTE and \$1,029,282 in General Revenue. When the department was given authority to prepare scoresheets in 1995 funding for state attorneys for the preparation of scoresheets was not reduced; consequently, it is not anticipated that eliminating this requirement by the Department of Corrections would not require additional funding for state attorneys.

**Pretrial Intervention Programs:**

The Department of Corrections budget would be reduced by 123 FTE and \$4,387,811 in General Revenue.

Based on the 9,085 admissions to pretrial intervention programs in FY 1999-2000, the Criminal Justice Impact Conference (CJIC) forecasts that the elimination of this program will require an additional 71 prison beds in FY 2001-02 and 123 prison beds over the next five years. Sufficient funding is included in Senate Bill 2000 for the estimated increase in the inmate population caused by the elimination of PTI. Those not going to prison would be absorbed in existing department community supervision programs, become the responsibility of local governments, or have their cases dropped prior to prosecution.

Returning current PTI cases to state attorneys for further disposition will result in an indeterminate non-recurring increase in prosecutorial workload. However, since these cases are relatively minor and should be easily disposed of, it is not anticipated that any increase will be significant.

VI. **Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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