

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: SB 1430

SPONSOR: Senator Crist

SUBJECT: Juvenile Offenders/Prior Record

DATE: March 27, 2001 REVISED: 04/02/01 _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Dugger</u>	<u>Cannon</u>	<u>CJ</u>	<u>Fav/1 amendment</u>
2.	_____	_____	<u>APJ</u>	_____
3.	_____	_____	<u>AP</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

Senate Bill 1430 would amend s. 921.0021, F.S., to include as part of an offender’s “prior record” for purposes of adult sentencing, any juvenile dispositions of offenses committed within 5 years (currently 3 years) before the primary offense was committed.

This bill substantially amends section 921.0021 of the Florida Statutes.

II. Present Situation:

Under the Florida Criminal Punishment Code, the severity of an offender's sentence for the "primary offense," which is the most serious charge before the court for sentencing, depends, in part, upon the point count that an offender receives for his or her prior record. Under s. 921.0021(5), F.S., an offender's "prior record" includes a conviction for a crime committed by the offender, as an adult or a juvenile, prior to the time of the primary offense, subject to the following limitations:

- ▶ For adult offenses, convictions for offenses committed by an offender more than 10 years before the primary offense are not included in an offender's prior record if the offender has not been convicted of any other crime for a period of 10 consecutive years from the most recent date of release from confinement, supervision, or sanction, whichever is later, to the date of the primary offense.

- ▶ For juvenile offenses, dispositions (sentences) of offenses committed by an offender within 3 years before the primary offense are included in an offender's prior record for purposes of adult sentencing. Juvenile dispositions of sexual offenses committed by the offender which were committed 3 years or more before the primary offense are included in the offender's

prior record if the offender has not maintained a conviction free record, either as an adult or a juvenile, for 3 consecutive years from the most recent date of release from confinement, supervision, or sanction, whichever is later, to the date of the primary offense.

III. Effect of Proposed Changes:

Senate Bill 1430 would amend s. 921.0021, F.S., to include as part of an offender's "prior record" for purposes of adult sentencing, any juvenile dispositions of offenses committed within 5 years (currently 3 years) before the primary offense was committed.

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:

The Office of Economic and Demographic Research has indicated that any prison bed impact as a result of this bill will be insignificant and anticipates that the Criminal Justice Estimating Conference will agree with that finding when it meets to consider this bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

#1 by Criminal Justice:

Allows the adult sentencing court to access a juvenile's record for review purposes only.

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