

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Committee on Appropriations

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BILL: SB 892

INTRODUCER: Senator Simmons

SUBJECT: Youthful Offenders

DATE: April 24, 2017

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Hrdlicka	CJ	<b>Favorable</b>
2.	McAuliffe	Sadberry	ACJ	<b>Recommend: Favorable</b>
3.	McAuliffe	Hansen	AP	<b>Favorable</b>

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

SB 892 allows the court to impose a sentence as a youthful offender if a person committed a felony *before they turned 21 years of age*. Current law requires the person be under 21 at the time of sentencing.

The Criminal Justice Impact Conference (CJIC) has not determined the impact of the bill. However, the Criminal Justice Impact Conference (CJIC) has completed a preliminary estimate on the impact of the bill and has concluded that it will have no impact on state prison beds.

The bill is effective July 1, 2017.

**II. Present Situation:**

Florida provides an alternative sentencing scheme for certain youthful offenders convicted of a felony. A court may impose a sentence as a youthful offender in circuit court if the person:

- Was found guilty of, or plead nolo contendere or guilty to a felony that is not a capital or life felony;
- Is younger than 21 years of age at the time the sentence is imposed; and
- Has not previously been sentenced as a youthful offender.<sup>1</sup>

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<sup>1</sup> Section 958.04(1), F.S.

If a court chooses to sentence a person as a youthful offender, it must sentence the youthful offender to any combination of the following penalties:

- Place the youthful offender on probation or in a community control program for no more than 6 years. Under this sentencing option, the court can choose to withhold adjudication of guilt or impose adjudication of guilt.<sup>2</sup>
- Incarcerate the youthful offender for no more than a year. The incarceration must take place in a specified facility and is a condition of probation or community control.
- Incarcerate the youthful offender for a specified period followed by a term of probation or community control. If the incarceration is in specified Department of Corrections (DOC) facilities it cannot be for less than 1 year or longer than 4 years. The period of incarceration and probation or community control cannot exceed 6 years.
- Incarcerate the youthful offender for no more than 6 years.<sup>3</sup>

### III. Effect of Proposed Changes:

The bill allows the court to impose a sentence as a youthful offender if a person committed a felony *before they turned 21 years of age*. Current law requires the person be under 21 at the time of sentencing.

A larger group of people will now be eligible for a youthful offender sentence.

The bill reenacts ss. 950.04(5), 958.045(8)(a), and 985.565, F.S., to incorporate changes made by the bill.

The bill is effective July 1, 2017.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

#### B. Public Records/Open Meetings Issues:

None.

#### C. Trust Funds Restrictions:

None.

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<sup>2</sup> Section 958.04(2)(a), F.S.

<sup>3</sup> Any of these sentencing combinations cannot exceed the maximum sentence for the offence for which the youthful offender was found guilty. If a youthful offender is sentenced to a period of incarceration, the court must adjudicate the youthful offender guilty. Section 958.04(2), F.S.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The Criminal Justice Impact Conference (CJIC) has not determined the impact of the bill. However, CJIC has completed a preliminary estimate on the impact of the bill and has concluded that it will have no impact on state prison beds.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 958.04 of the Florida Statutes.

This bill reenacts the following sections of the Florida Statutes: 958.03, 958.045, and 985.565.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.