

**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 Appropriations Subcommittee on Criminal and Civil Justice

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BILL: SB 782

INTRODUCER: Senator Simmons

SUBJECT: Youthful Offenders

DATE: March 18, 2019

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Storch</u>	<u>Jones</u>	<u>CJ</u>	<b>Favorable</b>
2.	<u>Jameson</u>	<u>Jameson</u>	<u>ACJ</u>	<b>Pre-meeting</b>
3.	_____	_____	<u>AP</u>	_____

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**I. Summary:**

SB 782 permits a 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 to be under 21 years of age at the time of sentencing.

The Criminal Justice Impact Conference (CJIC) reviewed HB877 which is identical to this bill, and determined that the bill will have no impact on state prison beds. Accordingly, the bill will have no fiscal impact on state government.

The bill is effective July 1, 2019.

**II. Present Situation:**

Current law provides an alternative sentencing scheme for certain youthful offenders convicted of a felony. A court may sentence a person as a youthful offender if he or she:

- Was found guilty of, or plead nolo contendere or guilty to a felony;<sup>1</sup>
- 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>2</sup>

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

- Placement of 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.

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<sup>1</sup> A person who has been found guilty of a capital or life felony may not be sentenced as a youthful offender under s. 958.04, F.S.

<sup>2</sup> Section 958.04(1)(a)-(c), F.S.

- Incarcerate the youthful offender for no more than 364 days. 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 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 permits a 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 to be under 21 years of age at the time of sentencing.

As a result, a larger group of people will now be eligible for a youthful offender sentence.

The bill reenacts ss. 958.03(5), 958.045(8)(a), and 985.565(4)(c), F.S.

The bill is effective July 1, 2019.

### IV. Constitutional Issues:

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

None.

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

None.

#### C. Trust Funds Restrictions:

None.

#### D. State Tax or Fee Increases:

None.

#### E. Other Constitutional Issues:

None identified.

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<sup>3</sup> Section 958.04(2)(a)-(d), F.S. Any of these sentencing combinations cannot exceed the maximum sentence for the offense 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.

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

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The CJIC reviewed HB 877, which is identical to this bill, and determined that the bill will have no impact on state prison beds.<sup>4</sup> Accordingly, the bill will have no fiscal impact on state government.

**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.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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<sup>4</sup>2019 Conference Results (through February 27, 2018), CJIC, available at <http://edr.state.fl.us/Content/conferences/criminaljusticeimpact/HB887.pdf>.