



## BETTER JUSTICE FOR FLORIDA

# Providing a Safety Valve for Low-Level Crimes

### Background

Between 1970 and 2014 Florida's population nearly tripled, but its prison population soared by more than 1,000%. Florida's sentence lengths increased 166% from 1990 to 2009 - more than any other state. Compared to other states, the Sunshine State sends more of its citizens to prison and keeps them there longer.

Taxpayers spend \$2.4 billion a year to keep roughly 100,000 people locked up. As the prison population ages, the Florida Department of Corrections will have to pay more in medical costs for elderly prisoners.

As of 2015, 32 percent of Florida's prisoners were serving time for non-violent crimes such as burglary or drug offenses. Keeping these low-level offenders behind bars for such a long time is expensive, without any increase in public safety as some research shows that longer sentences increase the likelihood that a prisoner will re-offend.

### Proposed Legislation

**HB 641 & SB 290:** Criminal Justice

Filed by Rep. Shaw & Sen. Rouson

### Summary

- HB 641 & SB 290 would adjust punishment on some drug charges and allow judges to depart from mandatory sentences in some cases. Under this bill: A defendant sentenced for possession of a controlled substance with 60 points or fewer would be required to be sentenced to a sanction other than time in the state prison (such as a county jail) as long as they do not present danger to the public.
  - A judge may depart from a mandatory minimum prison sentence or fine when all of the following criteria is met:
    - The defendant has not previously received a departure from a mandatory minimum under this subsection.
    - The offense is not a forcible felony or a misdemeanor that involves the use or threat of physical force.
    - The offense does not involve physical injury to another person.
    - The offense does not involve the use of a minor in the offense
  - A defendant must be sent to a post-adjudicatory, treatment-based drug court program if the following criteria are met:
    - Scoresheet is fewer than 60 points
    - Offense is a nonviolent felony
    - The defendant is amenable to substance abuse treatment
    - The defendant's criminal behavior is related to substance abuse or addiction.
    - The defendant qualifies under s. 397.334(3).
  - The bill also provides for the creation of a Sentencing Commission that is tasked with reviewing noncapital felony offense sentencing on a yearly basis and recommending changes to the Governor, Supreme Court, Senate, and House.
- Finally, the bill outlines several mitigating circumstances that would reasonably justify departing from mandatory minimums. These include, but are not limited to:
- The need for payment of restitution to the victim outweighs the need for a prison sentence.
  - The victim was an initiator, aggressor, or willing participant.
  - The defendant cooperated with the State to resolve the current or any other offense.

### Connect with the Campaign

Additional information and resources are available at [www.BetterJusticeFL.com](http://www.BetterJusticeFL.com)

General requests can be made at [contact@betterjusticefl.com](mailto:contact@betterjusticefl.com)

Media requests can be made at [media@betterjusticefl.com](mailto:media@betterjusticefl.com)