

By the Committee on Criminal Justice and Senator Burt

307-2028-98

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

A bill to be entitled  
An act relating to criminal offenders;  
providing a short title; amending s. 944.026,  
F.S.; prohibiting the court from committing  
certain offenders to a probation and  
restitution center as an alternative to a  
secure state correctional institution;  
providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. This act may be cited as the "Sean French Act."

Section 2. Paragraph (c) of subsection (1) of section 944.026, Florida Statutes, is amended to read:

944.026 Community-based facilities and programs.--

(1) In addition to those facilities and services described elsewhere in this chapter, the department shall develop, provide, or contract for a statewide system of community-based facilities, services, and programs dealing with the rehabilitation of offenders, which shall include, but not be limited to:

(c) A system of probation and restitution centers throughout the state whereby probationers, drug offender probationers, and community controllees who have violated their terms or conditions, and whose presumptive sentence exceeds 22 months, may be required to reside while working, receiving treatment, or attending school, or for persons on probation, drug offender probation, or community control who may be required to attend outpatient substance abuse counseling. The purpose of these facilities and services is

1 to provide the court with an alternative to committing  
2 offenders to more secure state correctional institutions and  
3 to assist in the supervision of probationers, drug offender  
4 probationers, and community controllees. However, the court  
5 may not refer an offender to a probation and restitution  
6 center if the offender has committed any of the following  
7 offenses or if the offender has any of the following  
8 characteristics:

9       1. The offender has been convicted for committing,  
10 attempting to commit, or conspiring to commit a sexual battery  
11 under s. 794.011, a felony violation of s. 847.0135, any  
12 offense listed or described in s. 775.21(4)(c) or s.  
13 943.0435(1)(a), or any offense that involved serious personal  
14 injury to another person. As used in this subparagraph, the  
15 term "convicted" means a determination of guilt as a result of  
16 a trial or the entry of a plea of guilty or nolo contendere,  
17 regardless of whether adjudication is withheld.

18       2. The offender has a severe addiction to alcohol or  
19 drugs and requires detoxification services or crisis  
20 stabilization services, as determined by licensed medical  
21 personnel.

22       3. The offender is physically unable to work.

23       4. The offender is charged with a capital or life  
24 felony under s. 775.081.

25       Section 3. This act shall take effect October 1, 1998.

26  
27                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
28                   COMMITTEE SUBSTITUTE FOR  
29                   Senate Bill 1566

30 Removes the provision in the legislation prohibiting sentence  
31 mitigation based on the testimony of friends, relatives, and  
other persons.