

## HOUSE MESSAGE SUMMARY

Date: May 1, 1998  
Bill Subject: Jail Rules/Failure to Obey  
Prepared By: Senate Committee on Criminal Justice

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### I. Amendments Contained in Message

**House Amendment (132007) to Senate Amendment (733788)** (body with title)

### II. Summary of Amendments Contained in Message

**House Amendment (132007) to Senate Amendment (733788)** (body with title) significantly changes the Senate Amendment to CS/HB 3527 by adding many more issues to the bill. All provisions that were in the Senate amendment have remained in the House amendment with a couple of exceptions. The amendment deletes Senator Lee's \$500,000 to Hillsborough County issue. It significantly amends Sen. Gutman and Sen. Forman's language regarding mental retardation in capital cases by deleting the 55 IQ threshold definition of mental retardation. It provides a mental retardation definition similar to the current definition contained in chapter 916 which means that those with a 75 IQ would probably be found to be mentally retarded under the amendment. It also deletes language that had been amended onto many bills by Rep. Villalobos which would expressly not allow certain appropriations to not be overridden by statutory language.

Issues that are still in the House amendment that were also in the Senate amendment include:  
Changes the subject of the bill to an act relating to "criminal justice."

- Corrects and clarifies language regarding disobedience of jail rules by prisoners in local jails. It creates a second degree misdemeanor for prisoners who refuse to obey rules 3 or more times. Requires notice of certain applicable rules to be provided to prisoners upon classification. (Sen. Bronson's amdt. #855530 to SB 404 & #805100 to CS/HB 3527)
- Amends trust funds, including Inmate Welfare Trust Fund for courts and DOC, and private facilities with appropriations already provided in budget. (Sen. Silver's amdt #044538 to SB 404 & amdt. #981156 to CS/HB 3527)
- Prohibits smoking inside correctional facilities, but still allows inmates to smoke outside of buildings, which is the version the House passed on this issue. (Sen. Burt's amdt. #243348 to SB 404 and #353194 to CS/HB 3527)

- Prescribes the penalty to be imposed for capital offenses if the defendant is determined to be mentally retarded; providing that the state may appeal a determination that a defendant is mentally retarded; providing a definition of mental retardation. (Sen. Gutman & Sen. Forman's amdt. #432944 to SB 404)
- Relates to law enforcement, requires a subordinate officer, deputy sheriff, or police officer seeking to qualify for a public office to resign or take a leave of absence, depending on certain circumstances relating to the public office sought by the officer. (Sen. Crist's amdt. #390832 to SB 404)
- Prohibiting certain disclosure or use of certain "personal information about another person," as defined, by an inmate or offender with intent to obtain a benefit from, harass, harm, or defraud such person; providing penalties; providing that an inmate or convicted of such offense is prohibited from subsequent participation in correctional work programs or other programs; providing that an inmate or offender convicted of such offense is subject to forfeiture of gain-time. (Sen. Williams - amdt. #791282 to SB 404)

Also adds many correctional privatization issues: requiring a certain study on privatization by independent researcher, allows CMA to conduct health care surveys in private prisons, requires private vendors to participate in PB2, requires certain ethical conduct for private consultants. It also includes Gutman's invite to bid for private prisons; deletes the requirement that there be a majority plus one vote on a county commission for a county to contract with a private vendor to operate a county's jail; Crist's CS/SB 1214 (offenders on community supervision search and seizure); Crist's CS/SB 1216 (reimbursement for costs of incarceration by state inmates).