

STORAGE NAME: h2215.cp

DATE: April 7, 2000

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
CRIME & PUNISHMENT
ANALYSIS**

BILL #: HB 2215

RELATING TO: Victims of Self-Inflicted Crimes

SPONSOR(S): Representative Jones

TIED BILL(S):

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) CRIME & PUNISHMENT
 - (2) CRIMINAL JUSTICE APPROPRIATIONS
 - (3)
 - (4)
 - (5)
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I. SUMMARY:

HB 2215 creates the Task Force on Victims of Self-Inflicted Crimes which is to review the problems associated with victims of self-inflicted crimes and propose solutions for reducing repetitious behavior by which individuals commit such acts through the provision of programs designed specifically to remediate this behavior.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

Chapter 960, F.S., prescribes assistance and rights for victims of crime in Florida. Section 960.001, F.S., mandates that specified criminal justice agencies provide written guidelines for the fair treatment of victims and witnesses in the criminal justice and juvenile justice systems. These agencies include the Department of Legal Affairs, the Department of Corrections, the Department of Juvenile Justice, the Department of Law Enforcement, the Parole Commission, the state attorneys, the State Courts Administrator and circuit court administrators, and all law enforcement agencies. The Executive Office of the Governor is charged with monitoring agency compliance with this mandate and initiating compliance through the courts, if necessary.

C. EFFECT OF PROPOSED CHANGES:

HB 2215 creates a task Force on Victims of Self-Inflicted Crimes within the Executive Office of the Governor. The commission is to be composed of 15 members. The Secretary of Juvenile Justice, the Secretary of Corrections and the executive director of the Department of Law Enforcement must personally serve on the task force. Additionally, the Governor's Victims' Rights Advocate, the Director of the Crime Victims' Services Office within the Department of Legal Affairs, a state attorney appointed by the Florida Prosecuting Attorneys Association, a public defender appointed by the Public Defenders Association, a sheriff appointed by the Florida Sheriff's Association, a police chief appointed by the Florida Police Chiefs Association; the State Courts Administrator; a representative of the Florida Network of Victim/Witness Services, Inc., a commissioner of the Florida Parole Commission, and three victims of self-inflicted crimes appointed by the governor in consultation with the Speaker of the House and the President of the Senate shall serve on the task force.

The appointments must be made within 14 days after the effective date of the act and the task force must hold its first meeting within 30 days after the effective date of the act. The task force must hold at least four public hearings throughout the state to solicit input from the public and experts. The task force must prepare a written report by January 15, 2001 that contains specific recommendations for addressing the problems of victims of self-inflicted crimes. The task force members may not receive compensation for their services but members who are not public officers or employees may be reimbursed for travel and per diem expenses. The task force is to employ an executive director.

The bill requires the task force to review the problems associated with victims of self-inflicted crimes and propose solutions for reducing repetitious behavior by which individuals commit such acts through the provision of programs designed specifically to remediate this behavior. The task force is required, at a minimum to investigate the following issues:

1. Causes leading to self-inflicted crimes.
2. Current availability of treatment within the state and outside the state.
3. Current methods of treatment within the state and outside the state.
4. Numbers of victims by types of behavior
5. Current policies of the state and local governments with respect to victims of self-inflicted crimes.
6. Recommendations to improve services for this population at the state and local level.

The bill appropriates the sum of \$250,000 from the General Revenue Fund to the Executive Office of the Governor for the purpose of paying the administrative expenses necessary to carry out the provisions of the act.

D. SECTION-BY-SECTION ANALYSIS:

Section 1: Creates the Task Force on Victims of Self-Inflicted Crimes.

Section 2: Appropriates \$250,000 from General Revenue Fund to the Executive Office of the Governor.

Section 3: Provides effective date.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill contains a \$250,000 appropriation from General Revenue.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill appropriates \$250,000 from General Revenue to the Executive Office of the Governor for the purpose of paying the administrative expenses necessary to carry out the provisions of this act.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

The bill does not require local governments to expend funds or to take any action requiring the expenditure of funds. Therefore, it is exempt from the provisions of Article VII, Section 18 of the Florida Constitution.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

The bill does not reduce the authority that municipalities or counties have to raise revenue in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

The bill does not reduce the percentage of state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

There is no definition of the term "self-inflicted crime" contained in the bill or in current Florida Statutes. In addition, this bill categorizes the perpetrator of these unidentified crimes "self-inflicted crimes" as also the "victim" of these crimes. The term, "self-inflicted crime," therefore, apparently refers to a crime for which there is a high recidivism rate that could be viewed as causing the greatest harm to the person committing the crime, such as prostitution or drug use. However, absent a definition of "self-inflicted crime," the bill does

not provide guidance to the task force members with respect to what type of criminal behavior is to be examined.

Among the issues the task force is charged with investigating are the “numbers of victims by types of behavior” and methods and availability of treatment for such behavior. The bill also requires the task force to recommend programs designed to “remediate” self-inflicted criminal behavior. Because this bill refers to a person currently categorized as “criminal defendant” as a victim, and requires a task force recommendation on *victim treatment* as opposed to *criminal rehabilitation*, it is not clear whether the programs to be proposed by the task force are intended to be in lieu of criminal punishment for a crime, or a component of it.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON CRIME & PUNISHMENT:

Prepared by:

Staff Director:

Trina Kramer

David De La Paz