

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 1518

SPONSOR: Criminal Justice Committee and Senator Constantine

SUBJECT: Transportation of Prisoners

DATE: April 10, 2001 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Gardner	Cannon	CJ	Favorable/CS
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill would allow the department to receive the relevant sentencing documents, along with the prisoner, from the “custodian of the local jail or other person having custody of the prisoner” rather than from the sheriff or chief correctional officer, as is currently stated in the law. Furthermore, this bill states that it is the custodian of the local jail who shall assume custody of the prisoner if the prisoner is sent back to any county for a further court appearance.

The provisions of this bill would become effective on July 1, 2001.

This bill substantially amends the following section of the Florida Statutes: 944.17.

II. Present Situation:

In fiscal year 1999-00, the Department of Corrections had 25,743 admissions. There has been a steady increase of about 1,000 additional admissions each year over the past five years. An additional 8,343 intakes were accepted, most of who were returned from a court appearance without a new sentence. This amounts to a total of 34,086 persons turned over to the custody of the department during fiscal year 1999-00. Virtually all of these admissions have been from local jails. Twenty-three prisoners were received from other jurisdictions. Under s. 944.17(2), F.S., the department is responsible for transporting these prisoners. The department may contract with private transportation agencies to transport prisoners pursuant to s. 944.597, F.S.

The sheriff’s have traditionally been designated as the chief correctional officer of the county correctional system, under s. 951.016, F.S. They are empowered to designate others to operate the jails. As counties have grown in population, and law enforcement has become more complicated, sheriffs have found it necessary to delegate more responsibilities to other managers.

According to the department, it is the officer having custody over the local jail or the prisoners who is most likely to present pertinent documentation to the representative of the department when prisoners are transported to a department reception center.

Currently, s. 944.17(5), F.S., requires the sheriff or chief correctional officer of the local jail to provide certain documents to the representative of the department before the department will take custody of the prisoner. Those documents are the:

1. uniform commitment and judgment and sentence forms;
2. local jail credit certificate;
3. indictment or information;
4. probable cause affidavit or police report;
5. the sentencing scoresheet;
6. restitution order;
7. name and address of any victim;
8. current criminal history record;
9. any available health certificates and treatment information; and
10. presentence investigation report.

If a state prisoner's presence is required in court, the department transfers custody of the prisoner to the sheriff or chief correctional officer upon a court order that the local official is to assume custody.

III. Effect of Proposed Changes:

This bill would amend s. 944.17, F.S., so that the custodian of the local jail, rather than the sheriff, sending a prisoner to the department would be responsible for transferring the pertinent documentation along with the prisoner. This bill would conform the law to the present practice. According to the department, this only changes the terminology and would not have any effect on the operational function of transferring custody of the prisoner from the local jail to the prison system.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

This bill renames the “sheriff’s certificate” to “certificate.” SB 1534, also pending in the Criminal Justice Committee contains new statutory language referring to the sheriff’s certificate. The two bills, if passed, need to be reconciled.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill’s sponsor or the Florida Senate.
