

HB 1797

2004

1 A bill to be entitled
 2 An act relating to habitual misdemeanor offenders;
 3 creating s. 775.0837, F.S.; providing definitions;
 4 specifying alternatives for sentencing a habitual
 5 misdemeanor offender; providing that such alternatives are
 6 imprisonment, commitment, or detention; specifying a
 7 minimum and maximum time period for such alternatives;
 8 providing criminal penalties; limiting the applicability
 9 of the sentencing alternatives; providing an effective
 10 date.

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

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 14 Section 1. Section 775.0837, Florida Statutes, is created
 15 to read:

16 775.0837 Habitual misdemeanor offenders.--

17 (1) As used in this section, the term:

18 (a) "Convicted" means a determination of guilt which is
 19 the result of a trial or the entry of a plea of guilty or nolo
 20 contendere, regardless of whether adjudication is withheld.

21 (b) "Habitual misdemeanor offender" means a defendant who
 22 is before the court for sentencing for a specified misdemeanor
 23 offense and who has previously been convicted, as an adult, of
 24 four or more specified misdemeanor offenses which meet the
 25 following criteria:

26 1. The offenses, in relation to each other and the
 27 misdemeanor before the court for sentencing, are separate
 28 offenses that are not part of the same criminal transaction or
 29 episode.

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30 2. The offenses were committed within 1 year of the date
31 that the misdemeanor before the court for sentencing was
32 committed.

33 (c) "Specified misdemeanor offense" means those
34 misdemeanor offenses described in chapter 741, chapter 784,
35 chapter 790, chapter 796, chapter 800, chapter 806, chapter 810,
36 chapter 812, chapter 817, chapter 831, chapter 832, chapter 843,
37 chapter 856, chapter 893, or chapter 901.

38 (d) "Imprisonment" means incarceration in a county jail
39 operated by the county or a private vendor.

40 (2) If the court finds that a defendant before the court
41 for sentencing for a misdemeanor is a habitual misdemeanor
42 offender, the court shall sentence the defendant as a habitual
43 misdemeanor offender and impose one of the following sentences:

44 (a) A term of imprisonment of not less than 6 months, but
45 not to exceed 1 year;

46 (b) Commitment to a residential treatment program for not
47 less than 6 months, but not to exceed 364 days, provided that
48 the treatment program is operated by the county or a private
49 vendor with which the county has contracted to operate such
50 program, or by a private vendor under contract with the state or
51 licensed by the state to operate such program or other
52 community-based treatment program or a combination of
53 residential and community-based program; or

54 (c) Detention for not less than 6 months, but not to
55 exceed 364 days, to a designated residence, if the detention is
56 supervised or monitored by the county or by a private vendor
57 with which the county has contracted to supervise or monitor the
58 detention.

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The court may not sentence a defendant under this subsection if the misdemeanor offense before the court for sentencing has been reclassified as a felony as a result of any prior qualifying misdemeanor.

Section 2. This act shall take effect upon becoming a law.