

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 283
SPONSOR(S): Kreegel
TIED BILLS:

Correctional Probation Officers

IDEN./SIM. BILLS: SB 690

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Criminal Justice Committee		Cunningham	Kramer
2) Justice Appropriations Committee			
3) Justice Council			
4) _____			
5) _____			

SUMMARY ANALYSIS

Currently, if a correctional probation officer elects to carry a firearm while on duty, they are responsible for the cost of the firearm.

This bill requires that the Department of Corrections provide probation officers who elect to carry a firearm a standardized semiautomatic firearm and standardized ammunition for such firearm. This bill gives the Department the authority to adopt rules pursuant to ss. 120.536(1) and 120.54, F.S., to implement the bill's provisions.

See fiscal section for fiscal impact.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited Government – This bill requires the Department of Corrections to provide standardized firearms and ammunition to probation officers who elect to carry a firearm. This bill also gives the Department of Corrections the authority to adopt rules.

Maintain Public Security - This bill requires the Department of Corrections to provide standardized firearms and ammunition to probation officers who elect to carry a firearm.

B. EFFECT OF PROPOSED CHANGES:

The Department of Corrections (Department) employs over 2,000 correctional probation officers (CPOs) whose primary responsibilities are the supervised custody, surveillance, and control of assigned offenders.¹ Currently, CPOs who have received authorization² from the Department may elect to carry Department-approved firearms, ammunition, and reloading devices while on duty.³ Although the Department currently provides standardized ammunition to its CPOs, the Department's rules require that CPOs purchase their own firearm.⁴

This bill requires that the Department provide CPOs who elect to carry a firearm a standardized semiautomatic firearm and standardized ammunition for such firearm. If the CPO decides to not carry a firearm, decides to change the type of firearm he/she carries, or is no longer employed by the Department, this bill provides that the CPO must return the firearm and any unused ammunition to the Department. This bill gives the Department the authority to adopt rules pursuant to ss. 120.536(1) and 120.54, F.S., to implement its provisions.

C. SECTION DIRECTORY:

¹ Section 943.10(3), F.S., defines "correctional probation officer" as a "full time state employees whose primary responsibilities are the supervised custody, surveillance, and control of assigned inmates, probationers, parolees, or community controllees within institutions of the Department of Corrections or within the community." See also Department of Corrections Procedure 302.313.

² CPOs requesting authorization to carry a firearm while on duty must submit a written request to the Department containing documentation that they have complied with the required training and qualification requirements of the Criminal Justice Standards and Training Commission and the Department. The Department must then review the request, review documentation of the officer's training and qualifications, and complete a Florida Crime Information Center/National Crime Information Center check on the officer and the firearm the officer intends to use. If approved, the Department issues the CPO a weapon card, which establishes that the CPO is authorized to carry a specific firearm while on duty. See Rule 33-302.104, F.A.C.

³ Department of Corrections' Procedure 302.313 authorizes CPOs to carry one of the following firearms:

- On or after July 13, 2005,
 - o Smith and Wesson five or six shot revolver of .38 or .357 caliber, with a barrel length of two-four inches
 - o one of the following semi-automatic pistols with a barrel length not to exceed five inches and a magazine with fifteen round law enforcement capacity:
 - Smith and Wesson 9 millimeter,
 - Beretta 9 millimeter, 92 series , or
 - Glock 9 millimeter.
- Prior to July 13, 2005, if an officer purchased an approved firearm not specified above, the officer will be allowed to qualify or maintain qualification with that firearm and will be allowed to continue with annual qualification with that specific firearm.

⁴ Rule 33-302.104(11), F.A.C.

Section 1. Creates s. 943.17001, F.S.; requiring the Department of Corrections to provide a standardized semiautomatic firearm and standardized ammunition to probation officers who choose to carry a firearm; requiring probation officers to return firearms and ammunition to the Department of Corrections if the officer no longer elects to carry a firearm, changes the type of firearm he/she chooses to carry; or is no longer employed by the Department of Corrections; granting the Department of Corrections the authority to adopt rules pursuant to ss. 120.536(1) and 120.54, F.S.

Section 2. This act takes effect July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The Department states that approximately 850 of its 2,000+ CPOs are currently authorized to carry a firearm. A Department survey of its CPOs revealed that approximately 1,801 CPOs would elect to carry a firearm if the Department were to provide them.⁵ For purposes of this analysis, it is assumed that approximately 950 additional CPOs will elect to carry a firearm if the Department were required to provide one.

The Department states in its fiscal analysis that it will cost \$1,516,946.28 to implement the provisions of this bill.⁶ However, this figure only includes the cost of a firearm and a holster. Current law/rules make it likely that there will be other costs associated with this bill, such as the following:

Training → CPOs must successfully complete a Criminal Justice Standards and Training Commission (CJSTC) Basic Recruit Training Program in order to receive their certification.⁷ Currently, firearm training is not included in the Basic Recruit program for CPOs. Thus, CPOs who elect to carry a firearm under current law/rules must undergo firearms training that is separate from their Basic Recruit program. The Department currently pays for CPO firearm training. Training costs would increase if an additional 950 CPOs elected to carry a firearm.

Storage Lockers → By rule, probation offices must have a secure space containing a secure locker for storage of firearms.⁸ The Department currently pays for these storage lockers. Additional lockers would likely be needed if an additional 950 CPOs elected to carry a firearm.

Chemical Agents → By rule, CPOs who carry firearms must be certified to carry and must carry chemical agents.⁹ The Department currently pays for the chemical agents. Additional chemical agent supplies would likely be needed if an additional 950 CPOs elected to carry a firearm.¹⁰

Handcuffs → By rule, CPOs who carry firearms must complete handcuff training and must carry handcuffs.¹¹ The Department currently pays for handcuffs. Additional handcuffs would likely be needed if an additional 950 CPOs elected to carry a firearm.

⁵ These numbers do not anticipate the number of officers in future years who may elect to carry a firearm.

⁶ This figure is derived by multiplying the cost of a 9 millimeter Smith and Wesson semiautomatic firearm and holster (\$842.28) times the number of CPOs who will elect to carry a firearm provided by the Department (1,801).

⁷ Rule 11b-35.002, F.A.C.

⁸ Rule 33-302.104(4)(c), F.A.C.

⁹ Rule 33-302.104(7)(c), F.A.C.; CPOs who are not authorized to carry a firearm may elect to carry chemical agents.

¹⁰ There would not be an increased cost to train the additional 950 CPOs in the use of chemical agents because such training is provided to all CPOs as part of the CPO Basic Recruit program.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to: require the counties or cities to spend funds or take action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

This bill provides a general grant of rulemaking power to the Department of Corrections to implement the bill's provisions (lines 26-29). The bill specifically provides rule-making authority to the Department to designate a standardized semiautomatic firearm and standardized ammunition. The bill appears to give sufficient rule making authority that is appropriately limited.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

¹¹ Rule 33.302.104(7)(c), F.A.C.