

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.)

Prepared By: Criminal Justice Committee

BILL: SB 690

INTRODUCER: Senator Bennett

SUBJECT: Correctional Probation Officers

DATE: March 8, 2006

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cannon	Cannon	CJ	Favorable
2.			JA	
3.				
4.				
5.				
6.				

I. Summary:

This bill creates a new section of the Florida Statutes to require the Department of Corrections to:

- provide correctional probation officers who elect to carry a firearm a standardized semiautomatic firearm and standardized ammunition;
- repossess the firearm and any unused ammunition in the event a correctional probation officer elects to no longer carry a firearm, changes the type of firearm he or she chooses to carry, or is no longer employed by the department; and
- adopt rules to implement the provisions of the bill.

Under current department rule an officer who elects to carry a firearm must purchase his or her own weapon. This bill would have the practical effect of shifting the cost for the weapon from the officer to the state and thereby substantially increasing the number of officers who carry firearms while on duty conducting field supervision and investigation.

II. Present Situation:

The Department of Corrections (department) employs 2,700 correctional probation officers (officers) who are responsible for actively supervising approximately 115,000 felony offenders on probation, community control, parole, conditional release, and other forms of community supervision provided in chs. 947 and 948, F.S. Of those officers, approximately 850, slightly less than a third, now elect to carry a firearm and are authorized to do so at their own expense provided:

- the weapon is department-approved;
- the officer has completed the training and qualifications requirements of the Criminal Justice Standards and Training Commission and the department; and
- the department issues a weapon card which authorizes the officer to carry a specific firearm while on duty.

According to a survey conducted by the department, 1,801 officers and supervisors employed indicated that they would request a department-issued firearm if this legislation became law. This includes those officers who currently carry firearms and those officers who do not currently carry firearms but would do so if this bill became law. With the passage of the bill this could mean that an *additional* 950 officers would elect to carry a firearm if the department was required to provide a state-issued weapon.

Under current law, rule, and practice the department has the discretion on what types of firearms may be authorized for officers to carry. Historically and prior to July 13, 2005, the department allowed officers to carry a particular firearm as long as the officer met and maintained annual qualification standards with that specific firearm. After July 13, 2005, the department's rules changed and were made more narrow with regard to the types of firearms an officer could carry. Specifically, the department's policy authorizes officers to carry one of the following firearms:

- Smith and Wesson five or six shot revolver of .38 or 357 caliber, with a barrel length of two to four inches in length; or
- One of the following semiautomatic pistols with a barrel length not exceeding five inches in length and a magazine with fifteen round law enforcement capacity:
 - Smith and Wesson 9 millimeter;
 - Beretta 9 millimeter, 92 series, or
 - Glock 9 millimeter.

According to department rule, officers authorized to carry a firearm may only do so while on duty conducting field supervision and investigation. Also, all firearms must be placed in a secure locker immediately upon entering the probation office.

According to department officials, it is the intent of the agency to eventually require one standard semiautomatic firearm for officers to carry. The agency asserts that this would be beneficial for a number of reasons, including efficiencies in the procurement of firearms and ammunition, in the assignment of firearms, and in the completion of required training.

III. Effect of Proposed Changes:

This bill creates a new section, s. 943.17001, F.S., to require the Department of Corrections to:

- provide certified correctional probation officers who elect to carry a firearm a standardized semiautomatic firearm and standardized ammunition; and
- repossess the firearm and any unused ammunition in the event the correctional probation officer elects to no longer carry a firearm, changes the type of firearm he or she chooses to carry, or is no longer employed.

Additionally, the bill gives the department the authority to adopt rules pursuant to ss. 120.536(1) and 120.54, F.S., to implement the provisions of this act.

Finally, the bill provides an effective date of July 1, 2006.

Under current practice an officer who elects to carry a firearm must purchase his or her own weapon. This bill would have the practical effect of shifting the cost for the weapon from the officer to the state and thereby substantially increasing the number of officers who carry firearms while on duty conducting field supervision and investigation.

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:

Officers who elect to carry a firearm will receive a financial benefit from this bill since they will no longer be required to purchase a weapon at their own personal cost.

C. Government Sector Impact:

According to the department, to fund the provisions of this bill it will require \$1,516,946.28 of non-recurring monies for FY 2006-07. The department's estimate is based on the purchase of a 9MM Smith & Wesson semiautomatic weapon and a holster through the state contract process. The cost per officer is estimated to be \$842.28. Their analysis assumed that 1,801 officers will request a state-issued firearm, that all officers will meet the qualifications standards after the initial 80 hour training, and that 10 percent of the officers will fail annual qualifications and require the retaking of the exam.

In addition to the cost of the firearm and holster, there may be other associated and necessary costs that have not yet been quantified by the agency. For instance, costs for training, storage lockers, chemical agents, and handcuffs will likewise increase if an

additional 950 officers opt to carry a firearm. By rule, officers who are authorized to carry a firearm must complete additional training, carry chemical agents, and handcuffs.

VI. Technical Deficiencies:

None.

VII. Related Issues:

1. According to the department, this bill has the potential to enhance public safety and the probation officer's safety.
2. A legal analysis by the department indicates that in the event that the department in the future wants to limit the type of firearm an officer may carry, the bill could be interpreted to restrict the department to do so since it codifies the department's own rule (Rule 33-302, F.A.C.) which authorizes an officer to "change the type of firearm he or she chooses to carry..."

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

VIII. Summary of Amendments:

None.

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