

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** HB 811

Faith- and Character-Based Correctional Institution Programs

**SPONSOR(S):** Rouson

**TIED BILLS:**

**IDEN./SIM. BILLS:** SB 2260

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	<b>REFERENCE</b>	<b>ACTION</b>	<b>ANALYST</b>	<b>STAFF DIRECTOR</b>
1)	<u>Public Safety &amp; Domestic Security Policy Committee</u>	<u></u>	<u>Krol</u>	<u>Cunningham</u>
2)	<u>Criminal &amp; Civil Justice Appropriations Committee</u>	<u></u>	<u></u>	<u></u>
3)	<u>Criminal &amp; Civil Justice Policy Council</u>	<u></u>	<u></u>	<u></u>
4)	<u></u>	<u></u>	<u></u>	<u></u>
5)	<u></u>	<u></u>	<u></u>	<u></u>

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**SUMMARY ANALYSIS**

HB 811 rewords the "faith based programs for inmates" section of statute to add secular language.

This bill removes:

- Requirements that the Department of Corrections should establish and operate six new faith based programs,
- Provisions that require 80% of the inmates participating in faith based program to be within 36 months of release,
- Program priority assignments given to inmates who have shown an indication for substance abuse,
- Provisions related to funding of faith based programming,
- Requirements to assign chaplains and clerical positions to faith based programs and community correctional centers.

## HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Faith and Character Based Initiative**

Section 944.803, F.S., enacted in 1997, required the Department of Corrections (department) to have six faith-based programs. The faith- and character-based (FCB) initiative within the department is currently found within 11 different facilities across the state. There are two ways the faith- and character-based program operates within the department, through the use of:

- Faith and Character Based Institutions<sup>1</sup> and
- Faith Based/Self Improvement Dormitories.<sup>2</sup>

FCB programs are run entirely through a volunteer staff with no state funds spent on the initiative and allow inmates to participate in both religious and secular programming. Inmates participating in FCB programs have the opportunity to take classes on different topics such as writing, marriage and parenting, money management, interview and job skills, computer literacy, personal faith, and other various religious and secular topics.<sup>3</sup>

FCB institutions have no statutory requirements on program length or criteria regarding inmates' sentences. Unless an inmate commits a serious infraction, he or she can be housed in a FCB institution until the completion of his or her sentence or permanently if sentenced to life. Participation in the FCB program is voluntary and inmates are not required to have any religious beliefs to be eligible for either program. However, priority is given to inmates who have shown an indication for substance abuse. Department procedures further require that inmates must:

- Have received no disciplinary reports that resulted in disciplinary confinement during the previous ninety (90) days;
- Be in general population housing status; not in work-release, reception or transit status;
- Fit the parameters of the institutional profile; and
- Volunteer to be placed in the program.

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<sup>1</sup> There are currently four FCB Institutions – Glades C.I., Lawtey C.I., Wakulla C.I., and Hillsborough C.I. (female).

<sup>2</sup> FCB dormitories are currently located at Everglades C.I., Polk C.I., Tomoka C.I., Union C.I., Gulf C.I., Lancaster C.I. (youthful offender), and Lowell C.I. (female). Inmates can only spend one year in a FCB dormitory.

<sup>3</sup> Department of Corrections 2010 Analysis of HB 1005.

Inmates can be removed from the FCB program for:

- The purposes of population management,
- Inmate conduct that may subject the inmate to disciplinary confinement or loss of gain time,
- Physical or mental health concerns, or
- Security or safety concerns.<sup>4</sup>

Current law requires that 80% of the inmates assigned to a FCB dormitory be within 36 months of their release date.<sup>5</sup> However, the Office of Program Policy Analysis and Governmental Accountability (OPPAGA) recommended that the Legislature amend the dormitory requirements found in s. 944.803, F.S., to allow the department to place more than 20% of inmates with more than 36 months left on their sentence in FCB dormitories.<sup>6</sup>

Section 944.803, F.S., requires the department to assign a chaplain and a full-time clerical support person to each dormitory to implement and monitor the FCB program and to strengthen volunteer participation and support. The department is also required to assign chaplains to community correctional centers<sup>7</sup> who must strengthen volunteer participation by recruiting volunteers in the community to assist inmates in transition.

Currently the state-wide waiting list is at 880 inmates for the faith-based dormitories, 780 inmates for the self-improvement dormitories, and 9,241 inmates for the faith- and character-based institutions.<sup>8</sup>

### **Effect of Proposed Changes**

HB 811 rewords the “faith based programs for inmates” section of statute to add secular language. “Faith and character-based” replaces “faith based” throughout s. 944.803, F.S. “Secular” is also added to that volunteers from secular institutions may also volunteer in the department’s faith and character-based programs.

This bill removes the outdated requirement that the Department of Corrections establish and operate six new programs.

The bill deletes provisions that require 80% of inmates participating in the program to be within 36 months of their release.

The bill removes faith and character-based program priority assignments given to inmates who have shown an indication for substance abuse.

The bill deletes provisions related to funding of faith and character-based programming.

The bill removes requirements to assign chaplains and clerical positions to FCB programs and community correctional centers.

## **B. SECTION DIRECTORY:**

Section 1. Amends 944.803, F.S., relating to faith based programs for inmates.

Section 2. Provides the bill an effective date, upon becoming a law.

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<sup>4</sup> Section 944.803(3), F.S.,

<sup>5</sup> Section 944.803(3), F.S.

<sup>6</sup> *Id.*

<sup>7</sup> Authorized pursuant to s. 945.091(1)(b).

<sup>8</sup> Department of Corrections Faith- and Character-Based Initiative, October 2009 Update,

<http://www.dc.state.fl.us/oth/faith/stats.html> (Last visited March 4, 2010).

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The department reports that this will not have a fiscal impact.

### 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:

The bill does not appear to require counties or municipalities to spend funds or take any action requiring the expenditure of funds; reduce the authority that municipalities or counties have to raise revenue in the aggregate; or reduce the percentage of a state tax shared with counties or municipalities.

2. Other:

None.

### B. RULE-MAKING AUTHORITY:

None.

### C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

## IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES