

By Senator Evers

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1 A bill to be entitled
2 An act relating to the Justice Reinvestment
3 Commission; creating the Justice Reinvestment
4 Commission within the Executive Office of the
5 Governor; providing for the purpose of the commission;
6 describing the goals of the commission; requiring the
7 commission, within available resources, to conduct
8 comprehensive analytical research of criminal and
9 juvenile justice data, evaluations of relevant
10 criminal and juvenile justice policies, and current
11 state corrections and juvenile justice funding in
12 order to develop practical, data-driven policy options
13 that can increase public safety, improve offender
14 accountability, reduce recidivism, and manage the
15 growth of spending on correction and juvenile justice
16 programs; detailing the specific topics that the
17 commission is encouraged to address in its research
18 and analysis; providing for the membership,
19 organization, and operation of the commission;
20 directing the members to select from among themselves
21 the chair of the commission; authorizing the chair to
22 appoint members to serve in subcommittees created by
23 the commission to carry out specific duties required
24 to complete the commission's tasks; authorizing the
25 chair to designate ex officio members from state or
26 local agencies to serve as technical assistance
27 advisors to the subcommittees; requiring the
28 commission to meet initially by a specified date and
29 quarterly thereafter; providing that members of the

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30 commission serve without compensation, but are
31 entitled to reimbursement for per diem and travel
32 expenses; requiring the commission to employ an
33 executive director who shall be appointed by the
34 Governor; providing for the duties and
35 responsibilities of the executive director;
36 authorizing certain agencies to cooperate with the
37 commission; requiring that the chair develop a
38 technical assistance agreement with an independent
39 public policy research institution or an educational
40 institution to accomplish the review of the
41 effectiveness of the juvenile justice and correctional
42 policies; requiring the commission to submit an
43 interim and final report of its findings and
44 recommendations to the Governor and Legislature by
45 specified dates; authorizing the commission to provide
46 the Governor and Legislature with additional reports
47 of findings and recommendations at any time it deems
48 appropriate; providing for the abolishment of the
49 commission on a specified date; providing an effective
50 date.

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

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54 Section 1. (1) The Justice Reinvestment Commission is
55 created within the Executive Office of the Governor for the
56 purpose of conducting a comprehensive review and analysis of
57 criminal justice and juvenile justice laws and policies, and
58 recommending changes that will increase public safety, improve

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59 offender accountability, reduce recidivism, and manage the
60 growth of spending on correction facilities and programs.

61 (2) Any recommended change to correctional policies,
62 justice reinvestment initiatives, or laws affecting or
63 applicable to corrections must be consistent with the following
64 goals:

65 (a) Protecting public safety, including, but not limited
66 to, ensuring the incarceration of violent criminal offenders and
67 nonviolent criminal offenders who commit repeated acts of
68 criminal behavior and who have demonstrated an inability to
69 comply with less restrictive penalties previously imposed for
70 nonviolent criminal acts.

71 (b) Providing for the most cost-effective and efficient use
72 of correctional resources to the extent that such use is not in
73 conflict with paragraph (a).

74 (3) The commission shall, within available resources:

75 (a) Conduct comprehensive analytical research of criminal
76 and juvenile justice data, including an analyses of the
77 following:

78 1. Reported aggregate crime and arrest data, soliciting the
79 input of law enforcement executives during analysis, with the
80 intent to understand particular types of crime and spikes in
81 crime overall and in particular locales.

82 2. Felony conviction data, with the intent to understand
83 the percent of offenders who are sentenced to prison or jail for
84 particular offenses and the length of the sentences they
85 receive.

86 3. Prison or jail admission and length-of-stay data over at
87 least a 3-year to 5-year time period, with the intent to

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88 determine which cohorts of offenders account for the growth of
89 the prison population.

90 4. Probation and parole data, with the intent to determine
91 which offenders are violating the conditions of supervision and
92 being returned to prison or jail.

93 5. Current capacity and quality of risk-assessments
94 processes and recidivism-reduction programs, with particular
95 focus on institutional and community-based risk-reduction
96 programs addressing such issues as drug treatment, mental health
97 diagnosis and treatment, education, job training, housing, and
98 other human services intended to divert individuals from prisons
99 and to reduce recidivism among offenders on community
100 supervision.

101 (b) Conduct evaluations of relevant criminal and juvenile
102 justice policies and current state corrections and juvenile
103 justice spending through the following analyses and methods:

104 1. Analysis of criminal and juvenile justice policies,
105 including a look at proportionality and the cost-effectiveness
106 of sentencing policies, as well as how diversion programs affect
107 prison disposition rates, and how the strength of probation
108 systems affects the likelihood of a probation versus prison
109 sentence as well as a decreased likelihood of violation
110 behavior, new convictions, and revocations to prison.

111 2. Analysis of state corrections expenditures, including
112 the cost-effectiveness of current spending on corrections and
113 community corrections, to understand how the existing system
114 accounts for criminal justice trends.

115 3. Development of a prison population projection using a
116 simulation model based on collected data to test the impact of

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117 various policy changes.

118 (c) Based on analyses and evaluation, develop practical,
119 data-driven policy options that can increase public safety,
120 improve offender accountability, reduce recidivism, and manage
121 the growth of spending on corrections. Policy options must:

122 1. Address admissions and length of stay as determined by
123 current sentencing policy and practice.

124 2. Address probation and parole, earned time policies, and
125 recidivism-reduction strategies focused on the number of
126 offenders released and diverted from prison.

127 3. Provide policymakers with assistance to strengthen
128 community supervision agencies through statutory and
129 administrative policy change, increases or reallocations of
130 resources, and enhanced data analysis.

131 (4) The commission is encouraged to consider addressing the
132 following specific topics:

133 (a) The feasibility of developing a risk and needs
134 assessment and cost-analysis tool to be used at the time of
135 sentencing.

136 (b) Ways to encourage counties to reduce their rates of
137 state incarceration and to increase local alternatives.

138 (c) Expansion of electronic monitoring as an alternative to
139 state incarceration.

140 (d) Institution of post-incarceration drug courts.

141 (e) Increase in the maximum gain-time accrual allowed for
142 state inmates.

143 (f) Development of a program for immediate and
144 proportionate sanctions for probation violations as an
145 alternative to commitment to prison in appropriate cases.

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146 (g) The feasibility of implementing a system of progressive
147 sanctions for probationers.

148 (h) The availability of alternative sanctions for low-level
149 drug and property offenders.

150 (i) The effectiveness of mental health and substance abuse
151 diversion programs.

152 (j) The effectiveness of prison reentry practices.

153 (k) The impact of jail overcrowding on the effectiveness of
154 local alternative programs and sanctions.

155 (l) The effectiveness of supervision strategies.

156 (m) The delivery of supervision and programs in
157 neighborhoods that have a high proportion of supervised and
158 incarcerated offenders.

159 (5) (a) The commission shall be composed of nine members,
160 consisting of one member of the Senate, appointed by the
161 President of the Senate; one member of the House of
162 Representatives, appointed by the Speaker of the House of
163 Representatives; one representative of the victim advocacy
164 profession, appointed by the Attorney General or his or her
165 designee; the Attorney General or her or his designee; the
166 Secretary of Corrections or her or his designee; the chair of
167 the Florida Parole Commission or his or her designee; and the
168 Secretary of Juvenile Justice or her or his designee. The
169 following members shall be appointed by the Governor: one state
170 attorney from a list of three nominees recommended by the
171 Florida Prosecuting Attorneys Association; and one public
172 defender from a list of three nominees recommended by the Public
173 Defenders Association.

174 (b) The members shall select the chair of the commission.

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175 (c) The commission shall convene on or before August 1,
176 2011, and meet at least quarterly thereafter. Other meetings may
177 be by call of the chair after giving 7 days' notice to the
178 public. The commission may take public testimony.

179 (d) Six members constitute a quorum for purposes of
180 conducting official business. The board shall act by a vote of
181 the majority of its members who are present in person or through
182 the medium of communications technology.

183 (e) The chair of the commission shall appoint members of
184 the commission to serve in subcommittees created by the
185 commission to carry out specific duties required to complete the
186 commission's tasks. The chair may designate ex officio members
187 from state or local agencies to serve as technical assistance
188 advisors to the subcommittees.

189 (f) Members of the commission shall serve without
190 compensation, but are entitled to reimbursement for per diem and
191 travel expenses, which shall be paid by the appointing entity.

192 (g) The commission shall employ an executive director, who
193 shall be appointed by the Governor. The executive director shall
194 report directly to the commission. The executive director shall
195 be the chief administrative officer of the commission and is
196 responsible for appointing all employees and staff members of
197 the commission. All employees and staff members shall serve
198 under the executive director's direction and control. The
199 executive director may also act on behalf of the board to
200 contract or enter into partnerships with such persons or
201 entities as are necessary to carry out its responsibilities,
202 including nonprofit organizations and educational institutions.

203 (h) Upon request of the chair or the executive director,

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204 the Office of Program Policy Analysis and Government
205 Accountability, the Office of Economic and Demographic Research,
206 the Department of Corrections, the Department of Juvenile
207 Justice, and any other state agency or department shall assist
208 the commission in providing necessary data collection, analysis,
209 and research. The commission may also request assistance from
210 the Office of the State Courts Administrator.

211 (i) The chair shall develop a technical assistance
212 agreement with an independent public policy research institution
213 or an educational institution in order to assist the commission
214 in accomplishing the review of the effectiveness of correctional
215 policies. The agreement must include, but need not be limited
216 to, procedures to access the data collection, analysis, and
217 research capabilities of the agencies and offices listed in
218 paragraph (h).

219 (6) The commission shall submit an interim and final report
220 of its findings and recommendations to the Governor, the
221 President of the Senate, and the Speaker of the House of
222 Representatives by December 31, 2011, and December 31, 2012,
223 respectively. The commission may provide the Governor and
224 Legislature with additional reports of its findings and
225 recommendations at any time it deems appropriate.

226 (7) The Governor may direct, and the President of the
227 Senate or the Speaker of the House of Representatives may
228 request, the commission to report by a certain date its findings
229 and recommendations regarding any issue pertinent to
230 correctional policies, justice reinvestment initiatives, or laws
231 affecting or applicable to corrections.

232 Section 2. The Justice Reinvestment Commission shall be

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233 abolished on December 31, 2012.

234 Section 3. This act shall take effect July 1, 2011.