

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 369 Faith- and Character-Based Correctional Institution Programs

SPONSOR(S): Criminal Justice Subcommittee; Rouson and others

TIED BILLS: None **IDEN./SIM. BILLS:** SB 2010

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Criminal Justice Subcommittee	15 Y, 0 N, As CS	Krol	Cunningham
2) Justice Appropriations Subcommittee			
3) Judiciary Committee			

SUMMARY ANALYSIS

CS/HB 369 rewords the "faith-based programs for inmates" section of statute to add secular language.

The bill adds legislative intent language to s. 944.803, F.S., that encourages the Department of Corrections to expand the faith- and character-based initiative through the use of faith- and character-based institutions while phasing out the faith-based/self improvement dormitories.

This bill removes:

- Obsolete requirements that the Department of Corrections establish and operate six new faith-based programs.
- Provisions that require 80% of the inmates participating in the faith-based/self improvement dormitory program to be within 36 months of release.
- Faith- and character-based program priority assignments given to inmates who have shown an indication for substance abuse.
- Requirements regarding chaplain assignments in correctional institutions, dormitories, and community correctional centers.

This bill does not appear to have a fiscal impact on state or local governments and is effective upon becoming a law.

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 Institutions¹ and
- Faith-Based/Self Improvement Dormitories.^{2,3}

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.⁴

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.⁵ However, priority is given to inmates who have shown an indication for substance abuse.⁶ Department procedures further require that in order to be eligible for a FCB program, 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.⁷

Inmates can be removed from a 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.⁸

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

² 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.

³ The faith-based/self improvement dormitory program invites secular and religious charitable organizations to mentor inmates and offer programming designed to effect an inner transformation of inmates. The faith-based dormitory program incorporates the inmate's personal faith into the learning process, whereas the self-improvement dormitory takes a secular approach to personal change. Programming for both dormitory types is comparable to what is available at the faith- and character-based institutions. Faith-Based/Self Improvement Dormitories. The Department of Corrections. <http://www.dc.state.fl.us/oth/faith/dorms.html> (Last accessed March 23, 2011.)

⁴ Department of Corrections 2011 Analysis of HB 369.

⁵ Section 944.803(3), F.S.

⁶ *Id.*

⁷ "Eligibility Requirements." Department of Corrections Faith- and Character-Based Initiative, November 2010 Update, <http://www.dc.state.fl.us/oth/faith/ci.html> (Last accessed March 23, 2011.)

⁸ Section 944.803(3), F.S.

Section 944.803, F.S., requires that 80% of the inmates assigned to a FCB dormitory be within 36 months of their release date.⁹ However, the Office of Program Policy Analysis and Governmental Accountability recommended that the Legislature amend this requirement to allow the department to place more than 20% of inmates with more than 36 months left on their sentence in FCB dormitories.¹⁰

Section 944.803, F.S., requires the department to assign a chaplain and a full-time clerical support person to each FCB 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 who must strengthen volunteer participation by recruiting volunteers in the community to assist inmates in transition.¹¹

As of November 2010, the state-wide waiting list is at 471 inmates for the faith-based dormitories, 452 inmates for the self improvement dormitories, and 6,785 inmates for the faith- and character-based institutions.¹²

Effect of Proposed Changes

CS/HB 369 amends the legislative intent provisions of s. 944.803, F.S., to add secular language:

- The term “faith- and character-based” replaces “faith-based” throughout the section;
- Volunteers from secular institutions are specifically mentioned; and
- The development of community linkages with secular institutions is encouraged.

The bill adds legislative intent language to s. 944.803, F.S., that encourages the department to expand the faith- and character-based initiative through the use of faith- and character-based institutions while phasing out the faith-based/self improvement dormitories.

The bill removes the following requirements regarding chaplain assignments:

- A general requirement that the department fund an adequate number of chaplains and staff to operate faith-based programs in correctional institutions.
- A specific requirement that a chaplain and a full-time clerical support person be assigned to each faith-based dormitory.
- A specific requirement that chaplains be assigned to community correctional centers, or work release centers, authorized pursuant to s. 945.091(1)(b), F.S. These chaplain’s duties include recruiting community volunteers, assisting inmates with transition, and placing inmates who requested assistance in a mentoring program. These chaplains are also required to work with the institutional transition assistance specialist to help place inmates who requested assistance in a contracted substance abuse housing program upon release.

The department states that statutory requirement of funding an adequate number of chaplains and staff to operate faith-based programs is obsolete.¹³ In addition, requirements relating to dedicated full-time clerical support staff have been eliminated through budget reductions over the years and the institutional transition assistance specialist position no longer exists.¹⁴ The department reports that there is currently insufficient funding to place a chaplain in each community correctional center, or work release center.¹⁵

⁹ *Id.*

¹⁰ “Faith- and Character-Based Prison Initiative Yields Institutional Benefits; Effect on Recidivism Modest,” Report No. 09-38, The Office of Program Policy Analysis and Governmental Accountability, October 2009.

¹¹ Authorized pursuant to s. 945.091(1)(b), F.S.

¹² Department of Corrections Faith- and Character-Based Initiative, November 2010 Update, <http://www.dc.state.fl.us/oth/faith/stats.html> (Last accessed March 23, 2011.)

¹³ Department of Corrections 2011 Analysis of HB 369.

¹⁴ *Id.*

¹⁵ *Id.*

This bill removes the outdated requirement that the department establish and operate six new FCB programs.

The bill deletes provisions that require 80% of inmates participating in the program to be within 36 months of their release. By removing the requirement, more inmates may be eligible to be placed in FCB programs.

The bill deletes a provision giving inmates who have shown an indication for substance abuse priority for placement in an FCB program.

B. SECTION DIRECTORY:

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

Section 2. Provides an effective date upon becoming a law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The Department of Corrections reports that this bill will not have a fiscal impact.¹⁶

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.

¹⁶ Department of Corrections 2011 Analysis of HB 369.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 29, 2011, the Criminal Justice Subcommittee adopted an amendment to the bill and reported the bill favorably as a Committee Substitute. The amendment provides legislative intent language to s. 944.803, F.S., that encourages the Department of Corrections to expand the faith- and character-based initiative through the use of faith- and character-based institutions while phasing out the faith-based/self improvement dormitories.

This analysis is drafted to the Committee Substitute.