

By Senator Bracy

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1 A bill to be entitled
2 An act relating to criminal justice data collection;
3 providing a short title; providing legislative
4 findings and intent; defining terms; requiring each
5 law enforcement agency to report to the Department of
6 Law Enforcement the number of persons arrested and
7 released without being charged and the race and
8 ethnicity of those persons; requiring each state
9 attorney to report to the department the number of
10 persons against whom formal charges were brought and
11 subsequently dismissed and the race and ethnicity of
12 those persons; requiring each clerk of the circuit
13 court to report to the department the number of
14 persons admitted into programs for diversion from
15 prosecution and the race and ethnicity of those
16 persons; requiring the department to publish such data
17 on its public website; authorizing the department to
18 coordinate and consult with agencies or entities to
19 compile such information; providing for future repeal;
20 providing an effective date.

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

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24 Section 1. This act may be cited as the "Criminal Diversion
25 Racial and Ethnic Impact Data Collection Act."

26 Section 2. (1) LEGISLATIVE FINDINGS AND INTENT.—The
27 Legislature finds that racial and ethnic disparity in the
28 criminal justice system, including the overrepresentation of
29 certain minority groups in the system, is well documented, as

11-00275-18

2018418__

30 are the harmful effects of such overrepresentation. This racial
31 and ethnic disparity is evident throughout the criminal justice
32 system, and, among other things, is caused by differing patterns
33 of criminal activity, differing practices of law enforcement
34 agencies, and the discretion afforded criminal justice
35 practitioners, along with unintended effects of legislative
36 policy. The Legislature further finds that, in order to reduce
37 this disparity, data on the racial and ethnic composition of
38 offenders at each stage of the criminal justice process must be
39 systematically gathered and analyzed to lay the foundation for
40 determining the impact of proposed remedies. The unavailability
41 of information at any stage will hamper valid analysis at
42 subsequent stages. While the department currently collects
43 information on arrested persons which includes race and
44 ethnicity during the early stages of the criminal justice
45 process, this and other critical information is not available
46 for adults diverted from arrest by law enforcement agencies and
47 diverted from prosecution by state attorneys. Therefore, it is
48 the intent of the Legislature to provide a mechanism by which
49 statewide data on the race and ethnicity of offenders diverted
50 from the criminal justice system in lieu of prosecution can be
51 collected for future analyses of racial and ethnic disparities
52 in the criminal justice system.

53 (2) DEFINITIONS.—As used in this act, the term:

54 (a) "Arrested but released without being charged" means the
55 taking into custody of a person by a law enforcement agency who
56 is subsequently released from custody without a formal charge
57 being filed against him or her.

58 (b) "Department" means the Department of Law Enforcement.

11-00275-18

2018418__

59 (c) "Diversion from prosecution" means the placement of a
60 defendant into a program by a state attorney, after successful
61 completion of which formal charges are dismissed.

62 (d) "Law enforcement agency" means an agency of this state
63 or a political subdivision of this state which is vested by law
64 with the duty to maintain public order and to enforce criminal
65 laws.

66 (e) "Race and ethnicity" means categories of socially
67 significant groupings by which individuals identify themselves,
68 based on physical characteristics and cultural heritage.

69 (3) REPORTING AND PUBLICATION.—

70 (a) Each law enforcement agency in this state shall
71 determine and report to the department the number of persons
72 arrested and released without being charged and the race and
73 ethnicity of each of those persons.

74 (b) Each state attorney in this state shall determine and
75 report to the department the number of persons for whom formal
76 charges were dismissed, and the race and ethnicity of each of
77 those persons.

78 (c) Each clerk of the circuit court shall determine and
79 report to the department the number of persons admitted into a
80 program for diversion from prosecution, the race and ethnicity
81 of each of those persons, and the type of diversion program they
82 participated in.

83 (d) The department shall annually publish on its public
84 website the information reported under this subsection for the
85 previous calendar year, aggregated by county, race, ethnicity,
86 and type of diversion program, along with an assessment of the
87 quality of the information received.

11-00275-18

2018418__

88 (e) The department may coordinate and consult with any
89 agency or entity in this state required by this act to compile
90 and report such information.

91 Section 3. This act shall stand repealed on December 31,
92 2021.

93 Section 4. This act shall take effect January 1, 2019.