

CS/HB 615 — Substantial Assistance

by Public Safety and Domestic Security Policy Committee and Rep. Brandenburg and others
(CS/SB 874 by Criminal Justice Committee and Senator Aronberg)

State attorneys are authorized by statute to file a motion requesting that a court suspend or reduce the sentence of a person convicted of a felony if he or she provides substantial assistance to law enforcement or the prosecutor in one or more other felony specific type of cases. Substantial assistance in the identification, arrest, or conviction of the person's coconspirator, accomplice, accessory, or principal in the crime he or she has been convicted of committing is what is required in order for the state attorney to file the motion on behalf of the convicted person.

Current law limits the authority of the state attorney to cases in which the person offering the assistance has been convicted of drug trafficking, planting a hoax bomb, or identity theft. There is no apparent time limitation for filing the motion in the current statutes. For good cause, the motion may be filed and heard in camera, and the arresting agency is given an opportunity to be heard in aggravation or mitigation. If the court finds that substantial assistance was in fact rendered by the convicted person, it may reduce or suspend his or her sentence.

The bill creates s. 921.186, F.S., to provide that the state attorney may move the sentencing court to reduce or suspend the sentence of a defendant convicted of a felony charge if the defendant provides substantial assistance in the identification, arrest, or conviction of any accomplice, accessory, coconspirator, or principal of the defendant, or of any other person engaged in felonious criminal activity. The bill provides that the motion may, for good cause shown, be held "in camera." It also provides that the arresting agency may be heard in mitigation or aggravation on the motion.

This bill proposes an extension of current practice, in that it allows the state attorney to request leniency of the court on behalf of all persons convicted of any type of felony if they provide substantial assistance in the prosecution of anyone in any type of felony case.

If approved by the Governor, these provisions take effect July 1, 2010.

Vote: Senate 38-0; House 109-1