



Criminal Justice Subcommittee

Wednesday, January 23, 2013

8:30 AM

404 HOB

Action Packet

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

1/23/2013 8:30:00AM

Location: 404 HOB

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Matt Gaetz (Chair)	X		
Randolph Bracy	X		
Michael Clelland	X		
Dane Eagle	X		
James Grant	X		
Gayle Harrell	X		
Charles Hood, Jr.	X		
Travis Hutson	X		
Dave Kerner	X		
Kionne McGhee	X		
Ray Pilon	X		
Irving Slosberg	X		
Charles Van Zant	X		
Totals:	13	0	0

Committee meeting was reported out: Wednesday, January 23, 2013 2:45:36PM

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

1/23/2013 8:30:00AM

Location: 404 HOB

HB 5 : Open Parties

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Randolph Bracy	X				
Michael Clelland	X				
Dane Eagle	X				
James Grant	X				
Gayle Harrell	X				
Charles Hood, Jr.	X				
Travis Hutson	X				
Dave Kerner	X				
Kionne McGhee	X				
Ray Pilon	X				
Irving Slosberg	X				
Charles Van Zant	X				
Matt Gaetz (Chair)	X				
Total Yeas: 13		Total Nays: 0			

HB 5 Amendments

Amendment 518771

Adopted Without Objection

Appearances:

Pitts, Brian (General Public) - Information Only

Justice-2-Jesus

1119 Newton Ave. S.

St. Petersburg FL 33705

Phone: (727) 897-9291

Committee meeting was reported out: Wednesday, January 23, 2013 2:45:36PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 5 (2013)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

FAVORABLE
1/23/13

1 Committee/Subcommittee hearing bill: Criminal Justice

2 Subcommittee

3 Representative Pilon offered the following:

4
5 **Amendment**

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 856.015, Florida Statutes, is amended
8 to read:

9 856.015 Open ~~house~~ parties.—

10 (1) Definitions.—As used in this section:

11 (a) "Alcoholic beverage" means distilled spirits and any
12 beverage containing 0.5 percent or more alcohol by volume. The
13 percentage of alcohol by volume shall be determined in
14 accordance with ~~the provisions of~~ s. 561.01(4)(b).

15 (b) "Control" means the authority or ability to regulate,
16 direct, or dominate.

17 (c) "Drug" means a controlled substance, as that term is
18 defined in ss. 893.02(4) and 893.03.

19 (d) "Minor" means an individual not legally permitted by
20 reason of age to possess alcoholic beverages pursuant to chapter

Amendment No. 1

21 562.

22 (e) "Open ~~house~~ party" means a social gathering at any
23 property ~~a residence~~.

24 (f) "Person" means an individual 18 years of age or older.

25 (g) "Property" means a residence, vacant structure, or
26 open acreage with or without a structure.

27 (h) ~~(g)~~ "Residence" means a home, apartment, condominium,
28 or other dwelling unit.

29 (2) A person having control of any property ~~residence~~ may
30 not allow an open ~~house~~ party to take place at the property
31 ~~residence~~ if any alcoholic beverage or drug is possessed or
32 consumed at the property ~~residence~~ by any minor where the person
33 knows that an alcoholic beverage or drug is in the possession of
34 or being consumed by a minor at the property ~~residence~~ and where
35 the person fails to take reasonable steps to prevent the
36 possession or consumption of the alcoholic beverage or drug.

37 (3) ~~The provisions of~~ This section does shall not apply to
38 the use of alcoholic beverages at legally protected religious
39 observances or activities or to the use of alcoholic beverages
40 on property where a parent or legal guardian accompanying their
41 minor child allows such use by their child.

42 (4) Any person who violates ~~any of the provisions of~~
43 subsection (2) commits a misdemeanor of the second degree,
44 punishable as provided in s. 775.082 or s. 775.083. A person who
45 violates subsection (2) a second or subsequent time commits a
46 misdemeanor of the first degree, punishable as provided in s.
47 775.082 or s. 775.083.

48 (5) If a violation of subsection (2) causes or contributes

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 5 (2013)

Amendment No. 1

49 to causing serious bodily injury, as defined in s. 316.1933, or
50 death to the minor, or if the minor causes or contributes to
51 causing serious bodily injury or death to another as a result of
52 the minor's consumption of alcohol or drugs at the open ~~house~~
53 party, the violation is a misdemeanor of the first degree,
54 punishable as provided in s. 775.082 or s. 775.083.

55 Section 2. This act shall take effect October 1, 2013.

56

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

1/23/2013 8:30:00AM

Location: 404 HOB

HB 15 : Protest Activities

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Randolph Bracy	X				
Michael Clelland	X				
Dane Eagle	X				
James Grant	X				
Gayle Harrell	X				
Charles Hood, Jr.	X				
Travis Hutson	X				
Dave Kerner	X				
Kionne McGhee	X				
Ray Pilon	X				
Irving Slosberg	X				
Charles Van Zant	X				
Matt Gaetz (Chair)	X				
Total Yeas: 13		Total Nays: 0			

Appearances:

Pitts, Brian (General Public) - Information Only
Justice-2-Jesus
1119 Newton Ave. S.
St. Petersburg FL 33705
Phone: (727) 897-9291

Committee meeting was reported out: Wednesday, January 23, 2013 2:45:36PM

COMMITTEE MEETING REPORT

Criminal Justice Subcommittee

1/23/2013 8:30:00AM

Location: 404 HOB

Presentation/Workshop/Other Business Appearances:

Death Penalty

Snurkowski, Carolyn (State Employee) - Information Only
Attorney Generals Office
Tallahassee FL 32303

Smart Justice

Silver, Ron (Lobbyist) - Information Only
2031 NE 209 St.
Miami FL 33179
Phone: (305) 502-1199

Smart Justice

Rogers, Bonnie (Lobbyist) (State Employee) - Information Only
Policy Coordination, Governor's Office
1801 Capitol Building
Tallahassee FL 32301
Phone: (850) 717-9436

Smart Justice

De Beaugrine, Jim (Lobbyist) - Information Only
CEO, RFJ Governmental Consultants
201 South Monroe St. Suite 301
Tallahassee FL 32301
Phone: (850) 508-8408

Smart Justice

Bishop, T. Barney (Lobbyist) - Information Only
President & CEO, Barney Bishop Consulting
204 South Monroe St. Suite 201
Tallahassee FL 32301
Phone: (850) 907-3436

Smart Justice

Hester, Gary (General Public) - Information Only
Chief of Police, Florida Police Chief Association
125 North Lake Silver Dri. NW
Winter Haven FL 33881
Phone: (860) 291-5874

Smart Justice

Wilder, Scott (General Public) - Information Only
Director of Communications, Polk County Sheriffs Office
1891 Jim Keene Blvd.
Winter Haven FL 33880
Phone: (863) 298-6299

Committee meeting was reported out: Wednesday, January 23, 2013 2:45:36PM

“SMART JUSTICE”



LOOK AWAY FROM THE INK BLOT!

REENTRY PROGRAM ELEMENTS

- ▣ PRISON-BASED SUBSTANCE ABUSE TREATMENT
- ▣ GENERAL EDUCATION DEVELOPMENT
- ▣ VOCATIONAL TRAINING
- ▣ TRAINING IN DECISION MAKING
- ▣ ADDITIONAL REHABILITATION

THREE ELIGIBILITY FILTERS

1. AT SENTENCING
2. DURING INCARCERATION
3. UPON RETURN TO SENTENCING JUDGE

*must “clear” each filter

ELIGIBILITY AT SENTENCING REQUIREMENTS

- ▣ 3RD DEGREE FELONY ONLY
- ▣ NO “FORCIBLE FELONY” CONVICTION
- ▣ NO CHILD ABUSE OFFENSES
- ▣ NO FELONY OFFENSES INVOLVING FIREARMS
- ▣ NO PRIOR 1ST OR 2ND DEGREE FELONY CONVICTIONS
- ▣ NO SEX OFFENDERS
- ▣ NO FELONIOUS DAMAGE TO PROPERTY
- ▣ NO PERMANENT DOMESTIC VIOLENCE INJUNCTIONS
- ▣ NO ONE WHOSE CHILDREN HAVE BEEN FOUND DEPENDENTS OF THE STATE
- ▣ NO ONE FOUND IN CONTEMPT OF COURT FOR NOT PAYING CHILD SUPPORT
- ▣ NO ONE WHO HAS HAD THEIR DRIVERS LICENSE SUSPENDED
- ▣ NO ONE FOUND INCOMPETENT TO STAND TRIAL
- ▣ NO OBJECTION FROM STATE ATTORNEY
- ▣ NO OBJECTION FROM ARRESTING LAW ENFORCEMENT AGENCY

ELIGIBILITY AT SENTENCING CONSIDERATIONS

- ▣ EVIDENCE OF UNLAWFUL CONDUCT
- ▣ USE OF VIOLENCE BY OFFENDER
- ▣ FAMILY TIES
- ▣ LENGTH OF RESIDENCE IN COMMUNITY
- ▣ EMPLOYMENT HISTORY
- ▣ EDUCATION LEVEL
- ▣ ACTS OF PUBLIC SERVICE
- ▣ MENTAL HEALTH
- ▣ VICTIM INPUT
- ▣ NEED FOR SUBSTANCE ABUSE TREATMENT
- ▣ ANY FACTOR COURT DEEMS RELEVANT

DEPARTMENT OF CORRECTIONS SELECTION REQUIREMENTS

- ▣ RECOMMENDED BY TRIAL JUDGE
- ▣ MUST SERVE 50% IN STATE PRISON
- ▣ NO DISCIPLINARY REPORTS WITHIN 12 MONTHS

DEPARTMENT OF CORRECTIONS SELECTION CONSIDERATIONS

- ▣ HISTORY OF DISCIPLINARY REPORTS
- ▣ CRIMINAL HISTORY
- ▣ ADDICTION SEVERITY
- ▣ PARTICIPATION IN “BETTERMENT” PROGRAMS
- ▣ MENTAL HEALTH
- ▣ RISK ASSESSMENT
- ▣ OUTCOME OF PARTICIPATION IN OTHER PROGRAMS
- ▣ REHABILITATIVE BENEFITS
- ▣ SAFETY TO THE PUBLIC

ELIGIBILITY – RETURN TO SENTENCING JUDGE

- ▣ ALL FACTORS PREVIOUSLY CONSIDERED
- ▣ ORIGINAL SENTENCE REPORT
- ▣ ANY OTHER EVIDENCE OF UNLAWFUL CONDUCT
- ▣ INPUT FROM STATE ATTORNEY
- ▣ INPUT FROM VICTIMS
- ▣ LIKELIHOOD OF FUTURE CRIMINAL CONDUCT

REVOCATION

- ▣ UNMANAGEABLE BEHAVIOR
- ▣ COMMITS OR THREATENS VIOLENCE
- ▣ MEDICAL CONDITION
- ▣ SENTENCE IS MODIFIED OR EXPIRED
- ▣ DEPARTMENT MAKES SAFETY DETERMINATION

REPORTING BY DOC

- ▣ EXTENT OF IMPLEMENTATION
- ▣ NUMBER OF PARTICIPANTS
- ▣ SUCCESS / FAILURE DATA
- ▣ NAME OF SENTENCING JUDGE FOR REOFFENDERS TO SPEAKER OF HOUSE

VENDOR ACCOUNTABILITY

- ▣ APPROVAL BY SHERIFF
- ▣ IF INMATE IS ARRESTED FOR A FORCIBLE FELONY, VENDOR LOSES CONTRACTS FOR 5 YEARS
- ▣ IF A VENDOR HAS A 3-YEAR RECIDIVISM RATE IN EXCESS OF 30 PERCENT, THAT VENDOR'S CONTRACTS ARE TERMINATED