

STORAGE NAME: h0617a.cpcs.doc

DATE: April 12, 2001

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
CRIME PREVENTION, CORRECTIONS & SAFETY
ANALYSIS**

BILL #: CS/HB 617

RELATING TO: Youthful Offenders

SPONSOR(S): Committee on Juvenile Justice and Representative(s) Harper and Others

TIED BILL(S):

ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:

- (1) JUVENILE JUSTICE YEAS 6 NAYS 0
- (2) CRIME PREVENTION, CORRECTIONS & SAFETY YEAS 8 NAYS 0
- (3) COUNCIL FOR HEALTHY COMMUNITIES
- (4)
- (5)

I. SUMMARY:

CS/HB 617 provides authorization for the Department of Corrections to assign any inmate aged 19 years or younger to a youthful offender facility, as a residential assignment, if it is determined that the inmate's safety may be in jeopardy in a non-youthful offender facility. Further, the bill provides legislative intent that any inmate 18 years of age or younger be housed in a youthful offender facility unless the inmate presents an unacceptable disciplinary problem at that facility.

The bill provides an effective date of July 1, 2001.

Note: The Crime Prevention, Corrections & Safety Committee adopted a "strike-everything" amendment on April 12, 2001. The amendment clarifies that offenders age 19 and younger, regardless of their qualification for the youthful offender program, may be housed in designated youthful offender facilities (for residential assignment purposes only) without being reclassified by the Department of Corrections as youthful offenders. The amendment is traveling with the bill.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

A "Youthful Offender" (YO) is a classification made by the Department of Corrections (department) or an adjudication made by the sentencing court. To be eligible for YO status, the offender has to come into the adult criminal justice system under the following circumstances:

The offender must be at least 18 years of age or if under 18 must be waived up to adult court pursuant to Chapter 985, F.S.;

The offender must have committed the qualifying offense prior to reaching the age of 21; and

The offender cannot have committed a capital or life felony, nor can the offender have been previously sentenced or classified as a YO.

The department may classify an inmate as a YO if he or she is 24 years or younger, with a sentence of 10 years or less. According to the department, almost two out of three (65.4 percent) of those inmates currently designated as YO were so designated by the Department rather than the sentencing court.

Currently, Florida maintains 12 facilities for YOs, one of which (Lake City Correctional Facility) is a private facility run by the Corrections Corporation of America. Of the remaining 11 facilities, 8 are for males and 3 are for females. Two of the facilities for males are work camps, not prisons, and two of the other facilities are boot camps (one for males and one for females).

There were 4,617 YOs in Florida's correctional system in FY 99-00. In FY 1999-00, 564 persons age 17 and younger were admitted to prison, and 6,910 persons ages 18-24 were admitted to prison.

Currently, there are 74 state inmates under the age of 18 who are not assigned to a YO prison or program. Of this number, 17 are serving sentences for capital or life felonies, which make them ineligible for YO classifications or designations, under s. 958.04(1)(c), F.S. Others were sentenced to more than ten years in state prison and are thus ineligible for YO treatment by the Department under s. 958.11(4), F.S.¹

The per diem rate for inmates in YO prisons and programs are higher than the average for all inmates in state or privately operated prisons. According to the department, the reason for the higher per diem

¹ Statistics obtained from bill analysis for CS/SB 322.

cost is the “enhanced vocational, educational, counseling, or public service” opportunities afforded YOs under s. 958.021, F.S., which is designed to improve the chances of correction and successful return to the community. The per diem rate for male YOs is \$55.08. The per diem rate for the average adult male is \$41.34.

Pursuant to s. 958.11, F.S., the Department of Corrections designates separate institutions and programs for youthful offenders who are 14-19 years of age, and youthful offenders who are 19-24 years of age. The Department has the authority to reassign an offender who is 14-19 years of age to a facility designated for the 19-24 age group if it is determined that the offender is disruptive, incorrigible, or uncontrollable. Conversely, the Department has the authority to reassign an offender who is 19-24 years of age to a facility designated for the 14-18 age group if it is determined that the offender is mentally or physically vulnerable and that reassignment if necessary to protect the safety of the youthful offender or the institution.²

C. EFFECT OF PROPOSED CHANGES:

The bill provides authorization for the Department of Corrections to assign any inmate 19 years of age or younger to a youthful offender facility, as a residential assignment, if it is determined that the inmate’s safety may be in jeopardy in a non-youthful offender facility. By using the term “residential assignment,” the bill allows inmates who are not classified as YOs to be housed in a YO facility, as long as the inmate is 19 years of age or younger and is determined to be physically or mentally vulnerable in his or her current facility.

Further, the bill provides legislative intent that any inmate 18 years of age or younger be housed in a youthful offender facility unless the inmate presents an unacceptable disciplinary problem at that facility. This means that all inmates, age 18 and younger, must be housed in a YO facility, regardless of whether the inmates are designated as YOs.

D. SECTION-BY-SECTION ANALYSIS:

Section 1. This section provides authorization for the Department of Corrections to assign any inmate 19 years of age or younger to a youthful offender facility, as a residential assignment, if it is determined that the inmate’s safety may be in jeopardy in a non-youthful offender facility.

This section provides legislative intent that any inmate 18 years of age or younger be housed in a youthful offender facility, unless the inmate presents an unacceptable disciplinary problem at that facility.

Section 2. Provides an effective date of July 1, 2001.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

² See s. 958.11, F.S.

2. Expenditures:

There are no financial expenditures associated with CS/HB 617. The Criminal Justice Impact Conference has determined that the Committee Substitute will not have any bed impact issues upon the Department of Corrections.³ In addition, the Department of Corrections has indicated that they do not expect any financial impact because the bill does not change the number of youthful offenders in the system.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

The bill does not require counties or municipalities to spend funds or to take action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

The bill does not reduce the authority of municipalities or counties to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

The bill would not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

³ Criminal Justice Impact Conference, meeting March 23, 2001

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C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On March 20, 2001, the Committee on Juvenile Justice adopted a "strike-everything" amendment that eliminated the issue of combination sentencing, and voted the bill out as a Committee Substitute. The Committee Substitute now only addresses the issue of inmate housing based on age and other criteria.

On April 12, 2001, the Committee on Crime Prevention, Corrections & Safety adopted a "strike-everything" amendment that clarified that inmates age 19 and younger may be housed in designated youthful offender facilities, for residential assignment purposes only, without being reclassified by the Department of Corrections as youthful offenders.

VII. SIGNATURES:

COMMITTEE ON JUVENILE JUSTICE:

Prepared by:

Shari Z. Whittier

Staff Director:

Lori Ager

AS REVISED BY THE COMMITTEE ON CRIME PREVENTION, CORRECTIONS & SAFETY:

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