

CS/HB 41 – Correctional Facility Employees

This bill amends s. 944.47, F.S., increasing the current felonies for introducing or transmitting (Level 1, 3rd degree felony) and possessing (Level 3, 3rd degree felony) any cellular phone or other portable communication device as contraband to **unranked, 2nd degree felonies (Level 4 by default)**.

It also restructures the statute so that employees and non-employees receive different felonies for introducing contraband into a correctional facility. Non-employees will continue to be sentenced under the original statute with the enhancement of the cell phones as contraband, while employees will receive higher levels for introducing the following:

- any written/recorded communication or any currency/coin (Level 4, 3rd degree felony)
- any article of food or clothing (Level 4, 3rd degree felony)
- any intoxicating beverage (Level 5, 2nd degree felony)
- any controlled substance or any prescription/nonprescription drug having a hypnotic, stimulating, or depressing effect (Level 5, 2nd degree felony)
- introduction of contraband (firearm, weapon, or explosive) into correctional facility (Level 7, 2nd degree felony)
- any cellular phone or other portable communication device (Level 5, 2nd degree felony)

Per DOC, in FY 17-18, there were 163 (adj.) offenders sentenced under introducing contraband into or possessing contraband in a correctional facility (s. 944.47, F.S.). Of those sentenced, 53 (adj.) of these offenders were sentenced to prison (mean sentence length=26.8 m, incarceration rate: 32.5% adj.-32.2% unadj.). Within this group, there were 27 (adj.) offenders sentenced for introducing or possessing any written or recorded communication or a currency or coin, with 10 (adj.) receiving a prison sentence (mean sentence length=25.9 m, incarceration rate: 37.0% adj.-36.0% unadj.). Also, there were 2 (adj.) offenders sentenced for introducing or possessing an article of food or clothing, with 1 (adj.) receiving a prison sentence (sentence length=56.0 m, incarceration rate: 50.0% adj.-50.0% unadj.). There were 68 (adj.) offenders sentenced for introducing or possessing a controlled substance, with 23 (adj.) receiving a prison sentence (mean sentence length=37.5 m, incarceration rate: 33.8% adj.-33.3% unadj.). For introducing or possessing a firearm or weapon, 5 (adj.) offenders were sentenced, with 2 (adj.) receiving a prison sentence (mean sentence length=45.0 m, incarceration rate: 40.0% adj.-40.0% unadj.). For introducing or possessing a cell phone or portable communication device as contraband, there were 26 (adj.) offenders sentenced, with 13 (adj.) receiving a prison sentence (mean sentence length=24.6 m, incarceration rate: 50.0% adj.-50.0% unadj.). It is not known

how many offenders sentenced for introducing contraband into a prison were correctional officers. It is also not known whether these offenses involved introduction, transmission, or possession, but it is likely that possession was the most common offense.

Per DOC, in FY 17-18, the incarceration rate for a Level 4, 2nd degree felony was 31.7%.

CONFERENCE ADOPTED ESTIMATE: Positive Insignificant

Requested by: House