

HB 203 – (Identical SB 134)

This bill creates s. 943.71, F.S., establishing the lifetime electronic monitoring program for sex offenders released from prison, probation, community control, or conditional release and who are sentenced by the court to lifetime electronic monitoring. This bill also makes it an **unranked, third degree felony** for:

- (a) Intentionally altering, tampering with, damaging, or destroying electronic monitoring equipment.
- (b) Failure to notify the Department of Corrections of any damage to an electronic monitoring device.
- (c) Failure to reimburse the Department of Corrections or its agent for the cost of electronic monitoring.

Per DOC, in FY 13-14, 14 (adj.) offenders were sentenced for this offense and 6 received a prison sentence (mean sentence length=32.8 m, incarceration rate: 42.9% adj-40% unadj). On June 2014, there were a total of 3,827 offenders on electronic monitoring, with 2,406 of those being sex offenders.

Since this law is prospective, offenses have to be committed as of October 1st, 2015. All future offenders would then have to enter the criminal justice system and exit before a court will decide whether they should be sentenced to lifetime electronic monitoring. Following the beginning of electronic monitoring, they would need to commit one of the above violations to receive a third degree felony. The court adds the possibility of discretion in deciding who receives monitoring, while it is ultimately unknown what department will be responsible for supervising these people, preventing the quantification of reimbursement rules and regulations. Any significant impact would likely not be felt in the first five years, but could potentially increase in future years.

CONFERENCE ADOPTED ESTIMATE: Positive Indeterminate

Requested by: House & Senate