

SB 1188 – Controlled Substances

Amends s. 893.13(1)(a)1-3, F.S., providing a 3 year mandatory minimum term of imprisonment when a person sells, manufactures, delivers or possess with intent to commit these acts, a controlled substance within a dwelling. Also amends s. 893.135, F.S. to create a felony of the first degree for “trafficking in synthetic drugs,” adding a number of drugs from s. 893.03(1)(c), F.S. If the quantity involved is:

- between 250-500 grams – 3 year mandatory minimum
- between 500-1,000 grams – 7 year mandatory minimum
- between 1,000 grams-30 kilograms – 15 year mandatory minimum

Under current law, for similar substances:

- between 10-200 grams – 3 year mandatory minimum
- between 200-400 grams – 7 year mandatory minimum
- between 400 grams-30 kilograms – 15 year mandatory minimum
- 30 kilograms or more would a capital felony

The only current trafficking offense that exists out of s. 893.03(1)(c), F.S. is MDMA. Per DOC, in FY 13-14, there were 45 offenders sentenced for trafficking between 10 and 200 grams of MDM. 30 of these offenders were sentenced to prison (mean sentence length=38.8 m, incarceration rate: 66.7% adj-67.7% unadj). In FY 13-14, there were 9 offenders sentenced for trafficking between 200 and 400 grams of MDM. 7 of these offenders were sentenced to prison (mean sentence length=55.2 m, incarceration rate: 77.8% adj-83.3% unadj). There were no offenders sentenced for trafficking in over 400 grams of MDMA in FY 13-14.

It is unknown how many offenders violated s. 893.13, F.S. inside a dwelling, but there were a large number of offenders sentenced under (1)(a)1 and (1)(a)2 of this statute in FY 13-14 ((1)(a)1:7,503; (1)(a)2: 3,286), with 2,905 receiving a prison sentence under (1)(a)(1) (mean sentence length=29.2m) and 328 under (1)(a)2 (mean sentence length=23.7m). Furthermore, if the 1st degree misdemeanor is also included with a mandatory minimum, FDLE found in FY 13-14 that 42 offenders were convicted/guilty and 4 had adjudication withheld. Therefore, adding this line could significantly increase both prison sentences and sentence length.

CONFERENCE ADOPTED ESTIMATE: **Positive Significant**

- Revised from “Positive Indeterminate” to “Positive Significant” on 3/27/2015.

Requested by: Senate