

## **HB 433 – Sentencing (Identical SB 462)**

Amends s. 775.082, F.S., adding that “if a psychologist or a psychiatrist determines that a person who is under civil or criminal arrest and in the lawful custody of a law enforcement official or that a person who is committed to or detained in a municipal or county jail or state prison, prison farm, or penitentiary, or to the custody of the department, pursuant to lawful authority, is knowingly malingering or feigning an illness and a judge concurs with the psychologist's or psychiatrist's determination, the court may not allow such person credit for the length of time the person is determined to have malingered or feigned the illness.”

This could increase the length of time certain offenders remain in prison by lowering the amount of time earned in jail by those offenders feigning an illness while awaiting their sentence. It would also have the same effect on time served in prison for those a judge has determined to have malingered or feigned an illness while incarcerated at a state prison. However, the number of offenders who might be impacted is not known.

**CONFERENCE ADOPTED ESTIMATE: Positive Indeterminate**

**Requested by: House**