

HB 7091 – Probation and Community Control (Similar CS/SB 790)

This bill amends multiple statutes, including s. 948.013, F.S., which removes the need to update the list of those ineligible for administrative probation when new sexual offender and sexual predator offenses are added under s. 943.0435, F.S. and s. 775.21, F.S.

This bill also amends s. 948.037, F.S., giving the court discretion by replacing “shall” with “may” require an offender who “has not obtained a high school diploma or high school equivalency diploma or who lacks basic or functional literacy skills, upon acceptance by an adult education program, to make a good faith effort toward completion of such basic or functional literacy skills or high school equivalency diploma” as a condition of community control, probation, or probation following incarceration. This bill also gives the court discretion on revoking “community control, probation, or probation following incarceration because of the offender’s inability to achieve such skills or diploma.”

Amending s. 948.10, F.S., this bill adds that the targeted population for community control includes conditional release violators, as well as violators charged with any new law violations.

While amending s. 948.013, F.S. should not affect current populations, future decision making by judges could be impacted by the discretion in the use of adult education programs and the expansion of further community control for technical violators. Per DOC, in FY 15-16, there were 19,082 technical violators, and 6,321 were sentenced to prison (33.1% of all violators). It is not known how many currently sent to prison would be affected by changes in this law.

CONFERENCE ADOPTED ESTIMATE: Negative Indeterminate

Requested by: Senate