

CS/SB 204 – Detention Facilities

This bill amends s. 951.22, F.S., removing the following acts of introducing contraband into detention facilities from the current Level 6, 3rd degree felony and making each a **1st degree misdemeanor**: any written or recorded communication, any currency or coin, any article of food or clothing, any tobacco products, any cigarette, any cigar, any intoxicating beverage or beverage which causes or may cause an intoxicating effect. It also adds “any cellular telephone or other portable communication device intentionally and unlawfully introduced inside the secure perimeter of a county detention facility without prior authorization or consent from the sheriff or officer in charge of such detention facility” as contraband subject to the current Level 6, 3rd degree felony.

Per DOC, in FY 17-18, there were 1,015 (adj.) offenders sentenced under s. 951.22, F.S. Of those sentenced, 333 (adj.) of these offenders were sentenced to prison (mean sentence length=24.9 m, incarceration rate: 32.8% adj.-32.8% unadj.).

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 any 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 6 (adj.) offenders sentenced for introducing or possessing an intoxicating beverage or beverage which causes or may cause an intoxicating effect, with none receiving a prison sentence. 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.).

Currently, DOC has a ban on tobacco in correctional facilities, so it is considered contraband to introduce/possess tobacco products. However, s. 944.47, F.S. does not list it as contraband, so there is no data available on the number of offenses occurring in these facilities. However, contraband data indicates that DOC recovered 1,784 pounds of tobacco in FY 17-18.

While data can be identified for state correctional institutions for these specific offenses, a similar breakdown cannot be developed for county detention facilities. It is not known if each contraband offense contributes comparable shares of prison sentences from events occurring at county detention facilities. If the proportions were the same, the number of offenders sentenced to prison could be shifted in similar directions with the passage of this bill. Furthermore, sentencing data is not available for tobacco. Data on contraband recovery indicate a high level of demand at correctional facilities; however, it

is not known how reducing this to a misdemeanor might impact prison sentences originating from events at county detention facilities. Therefore, the quantity and the direction of the prison bed impact cannot be determined.

**CONFERENCE ADOPTED ESTIMATE: Positive/Negative
Indeterminate**

Requested by: Senate