

SB 902 – Sentencing (Identical HB 1412)

This bill creates s. 775.0871, F.S., retroactively applying a prior change to statute for offenders currently incarcerated under the previous statutory language and creating a process whereby they are resentenced under current statute. On July 1st, 2016, s. 775.087, F.S. was amended, removing the 10-20-Life mandatory minimum sentence for aggravated assault, which at the time only affected offenders sentenced after that date. This bill would retroactively apply this change in statute to all offenders currently incarcerated under the 10-20-Life mandatory minimum sentence for aggravated assault, establishing that they must be resentenced to a sentence without such mandatory minimum term of imprisonment.

Per DOC, there are approximately 750 offenders currently incarcerated who fit this criteria, though it is not known how resentencing will affect their current sentences.

CONFERENCE ADOPTED ESTIMATE: Negative Significant

This bill also creates s. 893.13501, F.S., retroactively applying a prior change to statute for offenders currently incarcerated under previous statutory language and creating a process whereby they are resentenced under current statute. On October 1st, 2019, s. 893.135(1)(c)2, F.S. was amended, increasing the thresholds for trafficking in hydrocodone, which at the time only affected offenders sentenced after that date. This bill would retroactively apply this change in statute to all offenders currently incarcerated under the prior thresholds for trafficking in hydrocodone, establishing that they must be resentenced to a sentence without such mandatory minimum term of imprisonment.

Per DOC, there are approximately 2,391 offenders currently incarcerated who potentially fit this criteria, though it is not known how resentencing will affect their current sentences.

CONFERENCE ADOPTED ESTIMATE: Negative Significant

CONFERENCE ADOPTED ESTIMATE FOR ENTIRE BILL: Negative Significant

Requested by: Senate