



CRIMINAL PUNISHMENT CODE TASK FORCE Non-Prison Sanctions Subcommittee

Minutes

November 13, 2019 at Noon

Conference Call

I. Members Present:

Sheriff Christopher Nocco (Chair)

The Honorable Melissa Nelson

The Honorable Michael Andrews

Captain John Budensiek representing Sheriff William Snyder

Secretary Simone Marstiller

II. Non-Prison Sanctions Subcommittee

Sheriff Nocco welcomed the subcommittee and solicited additions to the agenda.

Secretary Marstiller would like to gather recommendations from other states. State Attorney Melissa Nelson would like to consider the impacts of the subcommittee's recommendations and would like actionable alternatives from CJI. As a point of clarification, Ms. Nelson pointed out that the Fourth Judicial Circuit has a successful Girls Court but lacks a Boys Court. Additionally, the Fourth Judicial Circuit is looking into Young Adult Court.

Young Adult Court would differ from that of Boys and Girls Court in that it would be for more serious offenders with the goal to keep them out of prison while offering opportunities such as vocational training while keeping them local.

1. Change statute language from "may" to "shall" to permanently establish the following courts:

Drug Court F.S 397.334

Mental Health Court F.S. 394.47892

Veterans Court F.S. 394.47891

Additionally, the subcommittee would like to investigate the potential for the establishment of Boys Court and Girls Court, modeled after what exists in the Sixth and Fourth Circuits, respectively.

2. Amend Florida Rule of Criminal Procedure 3.125 to allow the issuance of a Notice to Appear (NTA) for non-violent, non-sexual, third-degree felonies.

Sheriff Nocco suggested that jails have become healthcare and addiction centers. The subcommittee discussed the possibility of law enforcement issuing NTAs that require reports to drug court and therefore increase access to treatment.

Secretary Marstiller suggested this issue sounds like pre and post-arrest diversion and civil citation. While these opportunities do exist for adults within the state, there is an issue of uniformity.

3. Technical Violation of Probation (VOP) must be heard within 45 days.

The subcommittee discussed allowing consideration for VOPs with respect to those with jobs who could risk losing employment while waiting to be heard for a VOP, which would be unhelpful in the larger picture of rehabilitation and reducing recidivism.

At one point, the Sixth Judicial Circuit had a VOP Court where the judge was able to offer consideration to cases.

Additionally, the Fourth Judicial Circuit has conceded authority to the Department of Corrections to handle technical VOPs and it has saved money and time. The Sixth Judicial Circuit has a similar arrangement.

4. Create statute under Chapter 950 – Jails and Jailers or Chapter 951 – County and Municipal Prisoners to allow for pretrial release in the discretion of the jail/jailer in the event a pretrial inmate requires substantial medical care.

This arrangement would lessen the functioning of a jail like a hospital by allowing law enforcing to release those who are deemed terminally ill and not a threat.

State Attorney Nelson would like to take victim notification into consideration and consider the impact said decision could have.

III. Public Comment

None

IV. Public Comment

The Meeting was adjourned at approximately 12:41 P.M.