



CRIMINAL PUNISHMENT CODE TASK FORCE Minutes

May 15, 2020 at 1:00 P.M.

Conference Call

I. Members Present:

The Honorable Michelle Sisco
Professor John Stinneford
The Honorable Michael Andrews
Senator Jason Pizzo
The Honorable Donna McIntosh
Natalie Scruggs representing Sheriff Christopher Nocco
Kathryn Horst representing Ms. Dorothy Burnsed
Professor Michael Morley
The Honorable Bernie McCabe
Secretary Simone Marstiller
The Honorable Charles E. Williams
Sheriff William Snyder
The Honorable Melissa Nelson
Chief Melanie Bevan
The Honorable Larry Eger

Absent:

Sheriff Christopher Nocco

The Honorable Michelle Sisco, Chair Designee, welcomed the Task Force.

I. Non-Prison Sanctions

Secretary Simone Marstiller, Chair of the Non-Prison Sanctions Subcommittee, gave a brief update of the subcommittee's work.

After continued discussion, the subcommittee informed the Task Force that it will not advance NPS-1, which would allow law enforcement to issue Notice to Appear for non-violent, non-sexual offenses because it does not fall squarely within the purview of the Task Force. Additionally, the subcommittee chose not to advance NPS-2, which gives county jails/jailers statutory authority to release pretrial detainee inmates accused of eligible non-violent/non-sexual crimes on conditional medical release. The

subcommittee noted this should flow from the Legislature and be further discussed and vetted by the Sheriffs.

The subcommittee presented NPS-4, which is an evolution of NPS-3. The recommendation reads as follows:

- A) Establish or expand adult prearrest diversion programs in each judicial circuit that incorporate evidence-based interventions and treatment services.
- B) Outline a broad set of guidelines within the statutes based on standards set by the Steering Committee on Problem Solving Courts and approved by the Florida Supreme Court. These guidelines will act as a roadmap for State Attorneys, courts, and other important justice stakeholders to follow when developing problem solving courts in their respective circuits.

Secretary Marstiller noted that Part A of this recommendation stems from the desire to catch individuals on the front-end, it will lessen the amount of individuals who will need to participate in Problem Solving Courts. Part B is intended to provide a framework to Problem Solving Courts, with oversight being provided by the Steering Committee on Problem Solving Court's guidelines.

State Attorney Melissa Nelson noted that the Sixth Circuit has a fairly robust program. Mr. Ken Burke, Clerk of the Circuit Court and Comptroller for Pinellas County offered to share this report for consideration by the Task Force.

There was no public comment.

Secretary Simone Marstiller moved and it was seconded that the Task Force to approve parts A and B of NPS-4.

This motion passed unanimously among members present.

II. Scoresheets Subcommittee

Senator Jason Pizzo provided an overview of the subcommittee's Offense Severity Ranking Spreadsheets, 1-4. Senator Pizzo noted that the subcommittee found many disparities within the current framework and made began the process of suggesting revisions. Due to difficulty categorizing certain offenses, the subcommittee considered expanding the offense severity levels in addition to increasing the number felony degrees.

Professor Michael Morley continued the presentation, noting the subcommittee is essentially recommending three types of changes:

1. Increase the number of offense severity levels to eliminate inconsistencies in the current scoring and ranking system.
2. Increase the number of felony degrees, which further allows for the reduction of disparities.
3. Remove enhancements where the enhancement embodies the element of the underlying offense and raise correspondingly the points for the offense to eliminate opportunities for mistakes and encourage uniformity in sentencing.

Judge Sisco inquired if the proposal fell within the mandate of the Task Force because it called for statutory changes to substantive offenses outside the Criminal Punishment Code.

Judge Donna McIntosh moved and it was seconded that the Task Force approve Scoresheets Subcommittee recommendation SS-7b, which recommends increasing the number of felony degrees to 5.

This motion passed, 9-6, with the following members voting no:

State Attorney Melissa Nelson

State Attorney Bernie McCabe

Sheriff William Snyder

Judge Michelle Sisco

Chief Melanie Bevan

Judge Michael Andrews

Offense Severity Ranking Spreadsheet #4 will now be the working spreadsheet for the Scoresheets Subcommittee moving forward.

The Task Force began discussion of SS-1, which recommends eliminating certain multipliers on the current scoresheet. Discussion centered around Law Enforcement Officer Multipliers of 1.5 and 2.0 for certain offenses where law enforcement is the victim. This recommendation leaves the 2.0 multiplier in effect while removing the 1.5 multiplier and compensating for it by increasing the offense severity level.

Professor Morley noted that the subcommittee walked through and accounted for point totals in the event that enhancements were taken off of the scoresheet.

Judge Sisco clarified for the record that offense levels 1-16 hold all offenses, but that pending certain enhancements, they can move into levels 17-20, which are currently blank and reserved.

Judge Sisco expressed concern that if the Legislature decides not to make a new offense for Grand Theft Auto Vehicle with 3 or more prior offenses, there will be no enhancement for it being a fourth or fifth offense. Senator Pizzo clarified by saying he would not advocate for the removal of an enhancement without adding the additional subsection in the statute. If the Legislature decides against a statutory change, it should not be moved.

Professor Morley assured the Task Force that recommendations 1-4 are point neutral- they are not recommending the elimination of multipliers or enhancements without having the points adjusted for elsewhere.

Discussion of SS-1 will continue at the next Task Force Meeting.

There was no additional public comment.

III. Adjourn

This meeting adjourned at approximately 2:59 PM