



CRIMINAL PUNISHMENT CODE TASK FORCE Minutes

June 5, 2020 at 1:00 P.M.

Teleconference

I. Members Present:

The Honorable Michelle Sisco
Professor John Stinneford
The Honorable Michael Andrews
Senator Jason Pizzo
The Honorable Donna McIntosh
Sheriff Christopher Nocco
Ms. Kathryn Horst
Professor Michael Morley
The Honorable Bernie McCabe
Secretary Simone Marsteller
Sheriff William Snyder
The Honorable Melissa Nelson
Chief Melanie Bevan

Absent:

The Honorable Charles E. Williams

II. Task Force

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

Judge Sisco noted that the Task Force was provided with updated spreadsheets by the Scoresheet subcommittee on the morning of June 5, 2020. She asked the Scoresheet committee to explain the recent changes.

Judge McIntosh nominated Senator Pizzo to explain the recent spreadsheet changes. Senator Pizzo presented an Offense Severity Ranking Chart that reflected 5 felony degrees and 20 offense severity levels to account for the multipliers that the Task Force voted to remove at its previous meeting. The Drug Trafficking ("DT") and Domestic Violence ("DV") multipliers were added to the new spreadsheet sent to the Task Force. The subcommittee also added a "DV" tab to illustrate changes to offenses that could include DV related issues. Senator Pizzo discussed changes made to the spreadsheet regarding the DT and DV offenses. If the multiplier was removed from the scoresheet, then any DT or DV related offenses would have a higher point value to offset the removal of the multiplier. Mathematically, the

current point value for the DT or DV offense would be multiplied by 1.5, resulting in the new point value. The higher point value would transfer to the point value system provided by the Scoresheet subcommittee and the offense would increase to the higher severity level based on the provided spreadsheet. The Scoresheet subcommittee believes they can remove all of the inconsistencies in the use of multipliers by removing them from the scoresheet and assigning the offenses a higher severity level.

Senator Pizzo raised that caselaw was unclear as to when certain multipliers could be applied. Judge Sisco suggested that additional legal research is required to further enumerate certain offense that would be affected by these multipliers.

The Task Force further discussed Issue #2 of Scoresheets subcommittee recommendation ("SS")-6 which asks:

In light of the Florida Supreme Court's holding in *State v. Rife*, 789 So.2d 288 (Fla. 2001) should section 921.0026(2)(f) be amended to reflect the holding in *Rife*?

Amend section 921.0026(2)(f) to state the victim, including a minor, was the initiator, willing participant, aggressor, or provoker of the incident

or

should section 921.0026(2)(f) be amended to expressly prohibit the trial court from imposing a downward departure pursuant to section 921.0026(2)(f) if the victim is a minor?

This recommendation, which was previously discussed by the Task Force on May 29, 2020, was tabled for further discussion around intent and language of this ruling. Jennifer Mooney, Task Force Staff, presented, noting that language fashioned around this issue would have to be very offense specific. Further, it was noted that because *Rife* is so fact specific, it would be difficult to carve out mitigating language dealing with age.

Judge McIntosh moved to take no action regarding Issue #2 of SS-6. Senator Pizzo seconded. This motion passed, 13-1, with Professor Morley voting no.

With regard to Offense Severity Ranking Spreadsheet #5, Senator Pizzo shared that contemplated levels 17-20 are mere holding areas and do not house any stand alone primary offenses. The recommendation, Senator Pizzo clarified, is to accept all or part of the presented spreadsheet.

The Task Force agreed to review the presented spreadsheet and address SS-7a at the following meeting.

II. Adjourn

This meeting was adjourned at 1:43 P.M.