



## **Legislature's criminal justice reform is a baby step at best Florida Campaign for Criminal Justice Reform calls for systemic and comprehensive reform**

TALLAHASSEE FL - On Friday the Florida Legislature approved House Bill 7125 as the long-discussed criminal justice reform legislation that will be sent to Florida Gov. Ron DeSantis. The bill, among other things, reduces occupational licensing barriers for people with felony convictions, limits the number of offenses that can result in driver's license suspension, raises the felony theft threshold from \$300 to \$750, and also eliminates mandatory direct file.

The Legislature abandoned a more substantial reform bill, Senate Bill 642, that would have incentivized rehabilitation by adjusting the cap on gain time. The abandoned Senate bill would have allowed incarcerated people convicted of nonviolent offenses to utilize all earned gain time through good behavior and participation in educational and rehabilitative programs to reduce their sentences to 65 percent of their original sentence.

The stronger reform bill also required racial impact statements, and made some past sentencing reforms retroactive so that some people could get out of prison immediately and others would have their sentences shortened.

The following is a statement from **Shalini Agarwal, senior supervising attorney for the SPLC Action Fund:**

It is good to see some progress on criminal justice reform in Florida this year. But it's hard not to lament what could have been had the Legislature followed through on the bill that made it through four committees in the Senate. Florida was close to enacting more meaningful reforms to address racial disparities in the criminal justice system and artificially long sentences that have bloated our prisons. But legislators left those proposals on the cutting room floor to pass a bill that does only the bare minimum to qualify as "reform."

Racial impact statements are essential for policymakers to grapple with the deep racial disparities in our jails, courts, and prisons. This reform from the Senate bill cost little and would have helped policymakers work to eliminate racial disparities that undermine confidence in our justice system.

House Bill 7125 gets no one out of prison. In a state that spends \$2.7 billion a year to lock up almost 100,000 people, we can't keep kicking the can down the road on reducing the number of people in prison. Giving incarcerated people a chance to earn "gain time" when they engage in rehabilitative programs, without an artificial 15 percent cap on the time earned off of their sentences, makes sense. Most people who are now incarcerated will eventually return home, and we want to give them every chance possible to turn their lives around.

We hope that our Legislature will come back in 2020 ready to pick up the proposals they left behind and enact comprehensive criminal justice reform.

The following is a statement from **Kara Gross, legislative director & senior policy counsel for the ACLU of Florida:**

House Bill 7125 is more of a slow crawl than a first step. Florida needs comprehensive reform to undo decades of over-incarceration, excessive sentencing, and systemic racial bias in our criminal justice system. While modest reforms are certainly better than no reforms, which is what we've seen for years by the majority in the legislature, we have a lot of work left to do in order to make a difference in the lives of those incarcerated, and their families who suffer just as much by their absence, where the punishment imposed did not fit the crime.

The Senate criminal justice package, SB 642, which was not adopted, created real opportunities for meaningful criminal justice reform. It would have incentivized rehabilitation by adjusting the artificial cap on gain time. It would have allowed judicial discretion where a mandatory sentence did not fit the crime. It would have required racial impact statements to ensure that our laws do not disproportionately impact communities of color, and so much more. Unfortunately, HB 7125 does not contain any of these reforms. This legislature had the opportunity to support meaningful reform and save the state taxpayers \$860 million dollars in the process -- money which could have been used for rehabilitative programming, drug and mental health treatment, educational advancement, and increasing prison safety -- and they chose not to. HB 7125 is a baby step, at best.

It's about time the legislature has finally increased the woefully outdated felony threshold from \$300 to \$750 (now it won't be a felony for stealing an iPhone 5, just an iPhone X), but it's a far cry from what Floridians need and want and where other states are (for comparison, Texas' felony threshold is \$2500). We have a long way to go, but at least we are moving in the right direction. We hope that next year the legislature will take a real first step.



The following is a statement from **Denise Rock, executive director of Florida Cares Charity Corp., dedicated to improving the lives of the incarcerated:**

We are deeply saddened that Florida lawmakers abandoned the Senate's version of the Florida First Step Act in Senate Bill 642 opting instead to pass House Bill 7125. This bill does absolutely nothing to help repair the harm that has been done by previous harsh mandatory minimums that have left those behind prison walls over sentenced and in prisons that even wardens have said were understaffed, underfunded and non-rehabilitative.

We are bewildered at what appears to be the apathy of our House Representatives by not making retroactive Senate Bill 228 from 2016 in which aggravated Assault with a Firearm was removed from the mandatory 20-year sentence structure and became a maximum sentence of 5 years. If the sentencing was so harsh back in 2016 that it was reduced, how cruel is it to leave those that were sentenced under the old law without any legislative remedy? We simply cannot understand why House Representatives would not support retroactivity like the voters wanted, making this small simple change by implementing retroactivity on the reduced aggravated assault bill from 2016. This provision would have affected around 150 prisoners, that's less than ¼ of 1 percent of the total prison population, hardly a jail break. It feels as if our House Representatives do not care about what the voters wanted when they overwhelmingly voted for retroactivity with the passage of Amendment 11 in the November elections. The passing of this amendment was the signal for legislators to pass retroactive reforms this year, which did not happen.

We are also dismayed at our House Representatives lack of apparent concern for all tax paying citizens of Florida in refusing to bring back gain time credit earned to 65% for non-violent offenders in spite of the costs savings determined in the bill analysis to be \$860,434,214 in 5 years just by making this change for non-violent offenders. This is money that could have been used to fund rehabilitative programs, provide officer pay increased and reduce citizens tax burden.

We sincerely appreciate the real effort the Senate made this year to help fix our broken system and hope that our House Representatives will take a real look at their constituents needs and join in the Senate's meaningful criminal justice and prison reforms in 2020.

*For a full list of organizations involved in the Florida Campaign for Criminal Justice Reform, go to <https://www.betterjusticefl.com>.*