

June 23, 2004

Ms. Glenda E. Hood
Secretary of State
Florida Department of State
R. A. Gray Building
500 South Bronough Street
Tallahassee, FL 32399

Dear Secretary Hood:

I hereby transmit to you, with my signature, Committee Substitute for Committee Substitute for Senate Bill 1376, entitled, an act relating to Habitual Misdemeanor Offenders.

Committee Substitute for Committee Substitute for Senate Bill 1376 allows for enhanced penalties when a person is convicted on their fifth misdemeanor offense within a one-year time period. If the court decides to sentence the defendant as a habitual misdemeanor offender, it may impose the following sentences:

- (1) 6 months to a year in county jail
- (2) 6 months to a year in a residential treatment program, or
- (3) 6 months to a year in home detention, as long as it is monitored by the county or a private vendor.

Section 2 of the bill allows the court to impose any alternative sentences, as long as the court states *why it is in the best interest of the community and the defendant*. The bill is effective upon becoming law.

While reasonable concerns over jail overcrowding and the efficacy of imprisonment of this criminal population have arisen, this bill's impact on the prison population should be negligible. According to an analysis provided by the Office of the State Courts Administrator, in Fiscal Year 2002-03 there were only 931 offenders statewide that were convicted of a misdemeanor that had at least four additional misdemeanor convictions on separate occasions within the last 12 months. Spread out over the entire state, this number does not appear sufficient to cause jail overcrowding. And because the bill provides for alternative sentencing, it is unclear what portion of the 931 eligible offenders would actually face jail time.

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For this reason, and the reasons set forth herein, I hereby sign Committee Substitute for
Committee Substitute for Senate Bill 1376.

Sincerely,

Jeb Bush