



## Sheriffs Oppose HB 159 and SB 420: Departures from Mandatory Minimum Sentences

Mandatory minimum sentences were created to ensure uniformity and consistency in sentencing for severe crimes and crimes of violence. Sentences were often inconsistent for the same crime depending on which the judge presided over the case and which jurisdiction the case was in and certainty of punishment for committing a criminal act was lacking. Mandatory minimum sentences also deter future criminal activity and ensure that those criminals convicted of certain crimes are no longer a threat to society.

HB 159 and SB 420 allow for a downward departure from the mandatory minimum sentence when an offender is convicted of trafficking in prescription drugs, therefore, undermining the uniformity and deterrence effect of the mandatory minimum sentences. Prescription drug abuse and the illegal activity that surrounds such abuse is a severe crime that kills seven Floridians a day and certain offenders need to be confined to avoid future criminal activity and deter others.

There is no need for a downward departure once an offender pleads to or is convicted of trafficking in prescription drugs. Current law already permits, and prosecutors and judges are using, discretion in these cases sending many drug offenders through pretrial intervention and drug court services per s. 948.08 and s. 397.334, Florida Statutes. The FSA supports these programs that provide appropriate counseling, education, supervision, and substance abuse treatment for first time non-violent drug offenders.

Statistics support that the criminal justice system filters out many instances of individuals found in possession of a trafficking amount of prescription pills who are not sent to prison. While fewer than 1,200 offenders were sentenced for trafficking in prescription drugs, the Florida Department of Law Enforcement received more than 17,200 requests for drug analysis on prescription pills – nearly half of those requests for screening were for **trafficking**. In the same year there were more than 20,000 arrests made in connection with prescription drugs. Additionally, OPPAGA Report 12-02 states that **“Most offenders in our sample (62%) were arrested for selling prescription painkillers to an undercover law enforcement officer or confidential informant.”** Therefore, while the law does not require intent to sell, the truth is that most traffickers that go to prison have been arrested for illegally selling the drugs and have additional criminal records that are considered.

Now is not the time to undermine these effective laws. The FSA opposes changing the minimum mandatory sentences for prescription drug offenders and changing the scheduling or weights that trigger mandatory minimums without a thorough and comprehensive review of the issue by criminal justice and scientific experts.

***Oppose HB 159 & SB 420***  
***Prison is 100% Avoidable – Don't give criminals a break***

