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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 11(A)(28)

TO: Honorable Chairman Jean Monestime and Members, Board of County Commissioners

DATE: December 1, 2015

FROM: Abigail Price-Williams County Attorney

SUBJECT: Resolution urging the United States Congress and Florida Legislature to increase fines, pass sentence enhancement penalties and impose mandatory sentencing guidelines for offenders convicted of domestic violence crimes

Resolution No. R-1124-15

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa.

Abigail Price-Williams
County Attorney

APW/smm

MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: December 1, 2015

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 11(A)(28)

Please note any items checked.

_____ **"3-Day Rule" for committees applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Statement of social equity required**

_____ **Ordinance creating a new board requires detailed County Mayor's report for public hearing**

✓ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(28)
12-1-15

RESOLUTION NO. R-1124-15

RESOLUTION URGING THE UNITED STATES CONGRESS AND FLORIDA LEGISLATURE TO INCREASE FINES, PASS SENTENCE ENHANCEMENT PENALTIES AND IMPOSE MANDATORY SENTENCING GUIDELINES FOR OFFENDERS CONVICTED OF DOMESTIC VIOLENCE CRIMES

WHEREAS, domestic violence is a pattern of controlling behaviors – violence or threats of violence – that one person uses to establish power over a current or former spouse, intimate partner or family or household member in order to control that person's actions and activities; and

WHEREAS, domestic violence may include threats, physical violence, sexual assault, stalking, kidnapping and many other types of unwanted behavior or any criminal offense resulting in physical injury or death; and

WHEREAS, domestic violence can happen to anyone, regardless of age, religion, or social, economic, ethnic or educational background. It happens to men, women, elderly and children; and

WHEREAS, one-third of women and one-fourth of men will encounter some form of physical violence from an intimate partner within their lifetimes; and

WHEREAS, one in 15 children are exposed to domestic violence each year; and

WHEREAS, according to the National Coalition Against Domestic Violence, a woman is assaulted or beaten every nine seconds in the United States; and

WHEREAS, only 34 percent of victims hurt by their intimate partners receive medical care for their wounds; and

WHEREAS, according to Florida's Domestic Violence Needs Assessment for 2006-2007, the most recent domestic violence needs assessment produced by the Florida Department of Children and Families, barriers to getting help still exist for many victims of domestic violence, particularly persons who are disabled, elderly, living in poverty or in rural areas, experiencing language barriers or greater levels of acculturation, concerned with immigration status, or involved in homosexual relationships; thus greater efforts and resources are needed to reach and provide protection and services to these victims; and

WHEREAS, *El Nuevo Herald* recently ran a local series on domestic violence, reporting that Miami-Dade County leads the state with 9,811 cases of domestic violence reported in 2014; and

WHEREAS, domestic violence is a vicious and pervasive social problem, destabilizing families and threatening every sector of the community; and

WHEREAS, in recognition of the severity of crimes related to domestic violence, Congress enacted the Violence Against Women Act to fight domestic violence, sexual assault and other types of violence against women and amended the Gun Control Act to include domestic violence related crimes; and

WHEREAS, the Florida Legislature acknowledges the disturbingly high level of domestic violence in the state in section 741.32, Florida Statutes; and

WHEREAS, in section 741.2901, the Florida Legislature indicated its intent to treat domestic violence as "a criminal matter" and declared that "the length and severity of sentence for those found to have committed the crime of domestic violence can be greater," suggesting the Legislature's support for harsher consequences for individuals convicted of domestic violence crimes, which can be accomplished through increasing fines, enhancing sentencing penalties and imposing minimum mandatory sentencing guidelines; and

WHEREAS, the Florida Legislature has imposed minimal sentence enhancements for perpetrators convicted of domestic violence crimes, including, a mandatory jail sentence of five days for all convictions resulting from domestic violence crimes that involve intentional bodily harm and requiring offenders convicted of domestic violence crimes to attend a batterers' intervention program for at least 26 weeks; and

WHEREAS, Congress and the Florida Legislature have enacted laws prohibiting individuals convicted of domestic violence crimes from owning and possessing firearms; and

WHEREAS, in an effort to further deter domestic violence, reduce the number of domestic violence offenses and punish offenders, the Florida Legislature and Congress have the authority to increase fines, enhance sentencing penalties and impose minimum mandatory sentencing guidelines for offenders convicted of domestic violence crimes,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges the United States Congress to pass legislation to increase fines, enhance sentencing penalties and impose minimum mandatory sentencing guidelines for offenders convicted of domestic violence crimes.

Section 2. Urges the Florida Legislature to pass legislation to increase fines, enhance sentencing penalties and impose minimum mandatory sentencing guidelines for offenders convicted of domestic violence crimes.

Section 3. Directs the Clerk of the Board to transmit a certified copy of this resolution to the members of the Miami-Dade County Congressional Delegation, the Governor, Senate President, House Speaker, and the Chair and Members of the Miami-Dade County State Legislative Delegation.

Section 4. Directs the County's federal and state lobbyists to advocate for the legislative action set forth in Sections 1 and 2 above, and authorizes and directs the Office of Intergovernmental Affairs to include this item in the 2016 Federal Legislative Package when it is presented to the Board and amend the 2016 State Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Rebeca Sosa. It was offered by Commissioner **Rebeca Sosa**, who moved its adoption. The motion was seconded by Commissioner **Audrey M. Edmonson** and upon being put to a vote, the vote was as follows:

Jean Monestime, Chairman **aye**
Esteban L. Bovo, Jr., Vice Chairman **absent**

Bruno A. Barreiro	**aye**	Daniella Levine Cava	**aye**
Jose "Pepe" Diaz	**absent**	Audrey M. Edmonson	**aye**
Sally A. Heyman	**aye**	Barbara J. Jordan	**nay**
Dennis C. Moss	**aye**	Rebeca Sosa	**aye**
Sen. Javier D. Souto	**aye**	Xavier L. Suarez	**aye**
Juan C. Zapata	**absent**		

The Chairperson thereupon declared the resolution duly passed and adopted this 1st day of December, 2015. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: Christopher Agrippa
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Shanika A. Graves