

MEMORANDUM

Agenda Item No. 11(A)(8)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: February 19, 2020

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-219-20

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



Abigail Price-Williams
County Attorney 

APW/uw

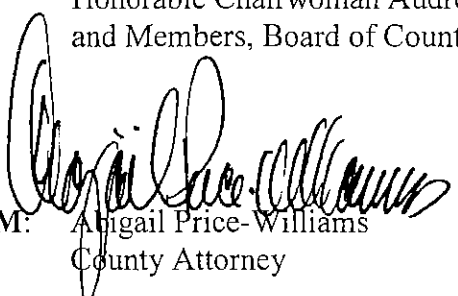


MEMORANDUM

(Revised)

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and Members, Board of County Commissioners

DATE: February 19, 2020

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SUBJECT: Agenda Item No. 11(A)(8)

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 present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____ to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor

Agenda Item No. 11(A)(8)

Veto _____

2-19-20

Override _____

RESOLUTION NO. R-219-20

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, senior citizens, and children; and

WHEREAS, according to the National Coalition Against Domestic Violence:

1. domestic violence is most prevalent against women between the ages of 18-24;
2. one-third of women and one-fourth of men will encounter some form of physical violence from an intimate partner within their lifetimes;
3. one in 15 children are exposed to domestic violence each year;
4. only 34 percent of victims hurt by their intimate partners receive medical care for their injuries;
5. domestic violence accounts for at least 15 percent of all violent crime; and
6. the risk of homicide increases by at least 500 percent if a firearm is present when domestic violence occurs; and

WHEREAS, many victims of domestic violence include 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 same sex relationships; and

WHEREAS, victims often encounter significant barriers in their efforts to obtain assistance; and

WHEREAS, thus, greater efforts and resources are needed to reach and provide protection and services to victims; and

WHEREAS, domestic violence is a vicious and pervasive social problem, that destabilizes families and threatens every sector of the community; and

WHEREAS, the long-lasting effects of domestic violence include physical disabilities, scars, depression, post-traumatic stress disorder, family displacement, homelessness, severe financial distress, and suicide, among a host of others; and

WHEREAS, in recognition of the severity of crimes related to domestic violence, the United States 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 acknowledged the disturbingly high level of domestic violence in the state by enacting section 741.32, Florida Statutes; and

WHEREAS, in section 741.2901, the Florida Legislature indicated its intent to treat domestic violence as “a criminal act” 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, the United States Congress and the Florida Legislature have enacted laws prohibiting individuals convicted of domestic violence crimes from owning and possessing firearms; and

WHEREAS, in light of the severe physical, emotional and financial impact domestic violence may have on women, children and families, the United States Congress and the Florida Legislature should reassess and augment the current statutorily mandated fines, sentencing penalties, and minimum mandatory sentencing guidelines for persons convicted of domestic violence crimes; and

WHEREAS, in an effort to further deter domestic violence, reduce the number of domestic violence offenses, and punish offenders, the United States Congress and the Florida Legislature should exercise their 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.

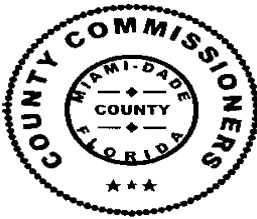
Section 3. Directs the Clerk of the Board to transmit a certified copy of this resolution to the members of the Miami-Dade County Congressional Delegation, the Governor, Senate President, House Speaker, and the Chair and Members of the Miami-Dade County State Legislative Delegation.

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 amend the 2020 State and Federal Legislative Packages to include this item.

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

	Audrey M. Edmonson, Chairwoman	aye	
	Rebeca Sosa, Vice Chairwoman	aye	
Esteban L. Bovo, Jr.	aye	Daniella Levine Cava	aye
Jose "Pepe" Diaz	aye	Sally A. Heyman	absent
Eileen Higgins	aye	Barbara J. Jordan	aye
Joe A. Martinez	aye	Jean Monestime	aye
Dennis C. Moss	aye	Sen. Javier D. Souto	aye
Xavier L. Suarez	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 19th day of February, 2020. 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: Linda L. Cave
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

LCK for SG

Shanika A. Graves