

FLORIDA CONFERENCE OF CATHOLIC BISHOPS

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January 26, 2021

The Honorable Juan Fernandez-Barquin
Florida House of Representatives
315 House Office Building
402 South Monroe Street
Tallahassee, FL 32399-1300

RE: Opposition to HB 1 (Public Disorder)

Dear Representative Fernandez-Barquin:

The Florida Conference of Catholic Bishops struggles ardently against violence. However, we oppose HB 1, as it is unnecessary and entails foreseeable unintended consequences. Our concerns are the following:

HB 1 is unnecessary

The crimes committed in recent riots in Washington and across the county prompt outrage and deep concern. As we reflect on these events, it is necessary to recall that assault, battery, burglary, theft, and stealing are already crimes, and perpetrators are being held accountable for these actions. It seems unnecessary to create new and stiffer penalties for crimes if they occur during a riot, as long as the applicable laws are enforced.

Reflects a retributive approach to justice

The Conference supports increasing gain time, as it incentivizes rehabilitation. The longer sentences in HB 1 work against gain time reform efforts of reducing sentence lengths for individuals who demonstrate good behavior. Rigid formulations of mandatory minimum sentencing are one-size-fits-all solutions which are too often inappropriate, yet HB 1 creates a new mandatory minimum sentence.

Violates principle of subsidiarity

The provision that allows the governor to amend or override a local governing body's law enforcement budget prompts concern. A community of a higher order should not interfere in the internal life of a community of a lower order, depriving the latter of its functions. Put more simply, crime is largely a local issue; to the extent possible, local responses should be developed and respected.

Unintended consequences for churches, faith-based and other organizations

The terms "prohibited assemblies" and "riots" in HB 1 are undefined, as are "injury" and "force." Activities that we and many Floridians support, such as praying in front of an abortion facility, pro-life marches, and prayer vigils could be construed as prompting prosecution if this bill is enacted. This is a serious concern.

Alternative responses are available

There are other approaches to the civil unrest we have witnessed of late. Promoting de-escalation training is one.

Exacerbates existing ills

In its present form, HB 1 will further exacerbate the already disproportionate impact of incarceration among the poor and communities of color while increasing costs of incarceration.

We must oppose HB 1 but remain available to discuss our concerns further at your request.

Sincerely,



Michael B. Sheedy

cc: The Hon. Cord Byrd, Chair, House Criminal Justice and Public Safety Subcommittee
Members of the House Criminal Justice and Public Safety Subcommittee
Most Rev. Thomas G. Wenski, Archbishop of Miami & FCCB President
Most Rev. William A. Wack, Moderator for Prison Ministry