

By Representative Flanagan

1 A bill to be entitled
2 An act relating to pretrial release; creating
3 s. 907.043, F.S., the "Citizens' Right to Know
4 Act"; providing a short title; providing
5 definitions; requiring public display of a
6 pretrial release program register in the clerk
7 of court's office; prescribing duties of the
8 pretrial release program and guidelines with
9 respect to maintenance of information on
10 released defendants in the register; providing
11 for reports to court administrators; providing
12 an effective date.

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14 Be It Enacted by the Legislature of the State of Florida:

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16 Section 1. Section 907.043, Florida Statutes, is
17 created to read:

18 907.043 Citizens' Right to Know Act; pretrial release
19 program register; public display; report.--

20 (1) SHORT TITLE.--This section shall be cited as the
21 "Citizens' Right to Know Act."

22 (2) DEFINITIONS.--As used in this section:

23 (a) "Annual report" means a report prepared by any
24 pretrial release program that accurately summarizes the
25 effectiveness of such program's use of public funds.

26 (b) "Nonsecured release" means any release of a
27 defendant from pretrial custody when no financial guarantee is
28 required as a condition of such release.

29 (c) "Pretrial release program" means any
30 government-funded program the function of which includes
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1 making recommendations for the nonsecured release of criminal
2 defendants.

3 (d) "Register" means a public record prepared by the
4 pretrial release programs which displays the required data and
5 is readily available in the clerk of the court's office.

6 (e) "Secured release" means any release of a defendant
7 from pretrial custody when a financial guarantee, such as a
8 cash or surety bond, is required as a condition of such
9 release.

10 (3) PUBLIC REGISTER.--

11 (a) The pretrial release program in each county of
12 this state shall prepare a register displaying information
13 regarding the cases and defendants who are released by such
14 program. The register shall be located in the clerk of the
15 court's office where the county pretrial release program is
16 located, and the register shall be readily available to the
17 public.

18 (b) The register shall be updated on a weekly basis
19 and shall display accurate information regarding the following
20 information for each defendant who was released through a
21 pretrial release program:

22 1. The charge against the defendant.

23 2. The nature of any prior relevant criminal
24 convictions against the defendant.

25 3. Court appearances required of the defendant.

26 4. The dates of any court appearances scheduled in the
27 case that were previously unattended by the defendant.

28 5. Whether a warrant has been issued for the
29 defendant's arrest for failure to appear in accordance with
30 the terms of the defendant's release.

31 6. Instances of program noncompliance.

- 1 7. Current status of the case.
2 8. Final disposition of the case.
3 (4) ANNUAL REPORT.--
4 (a) Prior to the end of the first quarter of each
5 calendar year, every pretrial release program in this state
6 shall submit an annual report to the local office of the
7 circuit court administrator and the Office of the State Courts
8 Administrator for the prior year and such report shall be
9 readily available through the clerk of the court.
10 (b) The annual report shall contain, but not be
11 limited to, the following information:
12 1. The complete operating and capital budget of the
13 pretrial release program.
14 2. The number of personnel allocated to the pretrial
15 release program.
16 3. The total number of release recommendations made by
17 the pretrial release program.
18 4. The total number of cases reviewed by the pretrial
19 release program.
20 5. The total number of cases in which nonsecured
21 release was denied by the pretrial release program.
22 6. The number of accused persons who, after review by
23 the pretrial release program, were released by the court on
24 nonsecured bond. These statistics shall be classified by
25 felonies and misdemeanors.
26 7. The number of defendants subject to determination
27 of indigency.
28 8. The number of persons described in subparagraph 6.:
29 a. Who were convicted of the same offense or of any
30 felony within the 6 years preceding the date on which charges
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1 were filed in the matter pending during the defendant's
2 release.

3 b. Who failed to attend a scheduled court appearance.

4 c. For whom a warrant was issued for the defendant's
5 arrest for failure to appear in accordance with the terms of
6 the defendant's release.

7 d. Who were arrested for any offense while on the
8 personal bond of the defendant.

9 Section 2. This act shall take effect October 1, 1997.

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12 HOUSE SUMMARY

13 Creates the "Citizens' Right to Know Act." Provides
14 definitions. Requires public display of a pretrial
15 release program register in the clerk of court's office.
16 Prescribes duties of the pretrial release program and
17 guidelines with respect to maintenance of information on
18 released defendants in the register. Provides for
19 reports to court administrators.

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