

**STORAGE NAME:** h3539s1.cor

**DATE:** March 16, 1998

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
CORRECTIONS  
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

**BILL #:** CS/HB 3539

**RELATING TO:** Notification of an escaped prisoner

**SPONSOR(S):** Rep. Ritter

**COMPANION BILL(S):** SB 930 (s)

**ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:**

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I. SUMMARY:

When an offender escapes from an institution of confinement, current law requires the institution to notify the state attorney of the jurisdiction in which the criminal charge arose. The state attorney then must notify the victim, material witnesses and their immediate families. CS/HB 3539 will require the state attorney to also notify the judge who imposed the escapee's sentence of incarceration.

CS/HB 3539 will require both parties to again undertake the notification procedure when the offender is recaptured and when the offender is returned to the institution of confinement.

The bill also clarifies that the notification requirements also apply to private correctional facilities.

The bill will reportedly have an indeterminate but insignificant fiscal impact.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

Currently, when an inmate escapes from an institution of confinement, §960.001(1)(p) F.S. requires the institution to immediately notify the state attorney in the jurisdiction in which the criminal charge arose. Upon receiving such notification, the state attorney must then notify the victim, any material witnesses, the parents or legal guardian of minor victims or witnesses, and the immediate relatives of a homicide victim of the escapee. The state attorney must also notify the sheriff of the county in which the criminal charge arose. These statutory notification requirements apply when an offender escapes from a state correctional institution, a county jail, a juvenile detention facility or a residential commitment facility.

There is currently no requirement that the notification procedure also be initiated upon the offender's recapture.

The Department of Correction's website currently contains information and photographs of inmates who have escaped from the custody of the Florida Department of Corrections. This information is created immediately upon an escape and updated upon receipt of new information or capture. The address is: <http://www.dc.state.fl.us/>

B. EFFECT OF PROPOSED CHANGES:

CS/HB 3539 will require the state attorney to notify the judge who imposed the sentence of incarceration when an offender escapes, in addition to the current notification responsibilities required by statute.

The bill will also require that the notification procedure also take place when the offender is recaptured and when the offender is returned to the institution of confinement.

The bill clarifies that the notification requirements also apply to private correctional facilities.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No.

- (2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

Yes. The bill will require the state attorney in the offender's county of sentencing to notify the sentencing judge when an offender escapes.

- (3) any entitlement to a government service or benefit?

No.

- b. If an agency or program is eliminated or reduced:

- (1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

- (2) what is the cost of such responsibility at the new level/agency?

N/A

- (3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

- a. Does the bill increase anyone's taxes?

N/A

- b. Does the bill require or authorize an increase in any fees?

N/A

- c. Does the bill reduce total taxes, both rates and revenues?

N/A

- d. Does the bill reduce total fees, both rates and revenues?

N/A

- e. Does the bill authorize any fee or tax increase by any local government?

N/A

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

N/A

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

N/A

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

N/A

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

N/A

- (2) Who makes the decisions?

N/A

- (3) Are private alternatives permitted?

N/A

(4) Are families required to participate in a program?

N/A

(5) Are families penalized for not participating in a program?

N/A

b. Does the bill directly affect the legal rights and obligations between family members?

N/A

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

§ 960.001, F.S.

E. SECTION-BY-SECTION RESEARCH:

N/A

III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

Indeterminate, but insignificant.

2. Recurring Effects:

Indeterminate, but insignificant.

3. Long Run Effects Other Than Normal Growth:

Indeterminate, but insignificant.

4. Total Revenues and Expenditures:

Indeterminate, but insignificant.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

Indeterminate, but insignificant.

2. Recurring Effects:

Indeterminate, but insignificant.

3. Long Run Effects Other Than Normal Growth:

Indeterminate, but insignificant.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

N/A

2. Direct Private Sector Benefits:

N/A

3. Effects on Competition, Private Enterprise and Employment Markets:

N/A

D. FISCAL COMMENTS:

The bill will have an indeterminate but insignificant fiscal impact.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority of counties or municipalities to raise revenue.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of state tax shared with counties and municipalities.

V. COMMENTS:

In some cases, the sentencing judge may no longer be sitting on the court having jurisdiction over the escapee. This judge may be unavailable as a result of retirement, death, or movement from court to court. The bill will require the institution to notify the sentencing judge, regardless of the judge's current status, rather than the court of jurisdiction.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

HB 3539 was passed out of committee as a committee substitute incorporating three adopted amendments:

Amendment 1 - Adds language to clarify that the notification requirements also apply to private correctional facilities.

Amendment 2 - Shifts the responsibility for notifying the sentencing judge of an inmate escape from the institution to the state attorney.

Amendment 3 - Adds an additional notification requirement when an escaped offender is captured and when returned to the institution.

VII. SIGNATURES:

COMMITTEE ON CORRECTIONS:

Prepared by:

Legislative Research Director:

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