

STORAGE NAME: h3553.cj

DATE: April 22, 1998

**HOUSE OF REPRESENTATIVES
AS FURTHER REVISED BY THE COMMITTEE ON
CRIMINAL JUSTICE APPROPRIATIONS
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: HB 3553

RELATING TO: Victim Assistance/Toll-free Phone Number

SPONSOR(S): Representative Crow & Others

COMPANION BILL(S): CS/S 460 (s)

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

- (1) CIVIL JUSTICE & CLAIMS (W/D)
- (2) LAW ENFORCEMENT & PUBLIC SAFETY YEAS 6 NAYS 0
- (3) CRIMINAL JUSTICE APPROPRIATIONS
- (4)
- (5)

I. SUMMARY:

House Bill 3553 would require the Crime Victims' Services Office of the Department of Legal Affairs to establish a statewide toll-free telephone number for crime victims, relatives of homicide victims, and crime witnesses to use for being informed about the status of the person accused or convicted of the crime involving the victim or witness. Victims and witnesses could also use the telephone number as a way to update their address information. The Crime Victims' Services Office would also be required to give any updated victim address information to the Department of Corrections, the Parole Commission, the Florida Department of Law Enforcement, the appropriate state attorney, and the appropriate local law enforcement agencies.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

Victims of crime in Florida have the right "to be informed, to be present, and to be heard when relevant, at all crucial stages of a criminal proceeding, to the extent that this right does not interfere with the constitutional rights of the accused." Fla. Const. Art. I, s. 16 (b). These rights are implemented statutorily by the prescribed guidelines in s. 960.001, F. S., which call for the fair treatment of victims and witnesses in the criminal justice system. Certain specified agencies involved in the criminal justice system are required to develop and implement these guidelines, thereby providing the following rights to victims of adult and juvenile crime:

- ▶ Informing victims of pertinent information about available services, such as victim compensation and crisis intervention services;
- ▶ Notifying victims of certain enumerated violent crimes about the release of an offender from a jail, a juvenile detention facility, or an involuntary commitment facility;
- ▶ Providing advance notification to victims of judicial and post-judicial proceedings related to their cases, unless the agency does not have such notification;
- ▶ Informing victims about protective measures available to fight victim intimidation;
- ▶ Providing information to victims when an offender escapes from a prison, a jail, a juvenile detention facility, or an involuntary commitment facility; as well as
- ▶ Providing other general victim assistance under s. 960.001, F.S.

Specifically, the statute requires notification of arrest, release of the accused pending judicial proceedings or any modification of release conditions, proceedings in the prosecution, and release of the defendant or juvenile offender from imprisonment, detention, or involuntary commitment upon expiration of sentence or parole. The following agencies are responsible for providing this notification: law enforcement agencies must notify victims concerning the accused's arrest; the state attorney or Attorney General must notify victims concerning the release of the accused pending judicial proceedings and proceedings in the prosecution, including arraignment, trial, sentencing, appellate review, subsequent modification of sentence, and collateral attack of a judgment; the Parole Commission must notify victims about parole hearings; and the Department of Corrections (DOC), the Department of Juvenile Justice, or the sheriff must notify victims concerning the defendant's or juvenile offender's release from imprisonment upon expiration of sentence or any other release program.

Section 960.001(secondhand dealer)(e), F.S.

In addition, ss. 944.605 and 947.177, F.S., require that within six months prior to the release of an inmate from the custody of the DOC or a private correctional facility, notification of the anticipated release date of the inmate must be made known by the appropriate agency to the chief judge of the circuit in which the offender was sentenced, the appropriate state attorney, the original arresting law enforcement agency, the Florida Department of Law Enforcement (FDLE), and the sheriff of the county in which the

inmate plans to reside. Similarly, unless otherwise requested by the victim or the personal representative of the victim, the state attorney, the DOC, the Control Release Authority, or the Parole Commission, whichever is appropriate, is required to notify the victim of the anticipated release date within six months prior to the inmate's release, if the name and address of the victim has been furnished to the agency.

Victims can currently call the DOC between 8:00 to 5:00, five days a week, to obtain inmate/offender information. (The department's data base is not accessible at least one weekend a month because of required maintenance.) In addition, the department has a web site on the Internet that anyone can access containing pictures of offenders released on or after October secondhand dealer, 1997 and their intended residences.

The statutory notification responsibilities enumerated above are currently spread statewide among the numerous local law enforcement agencies and state attorney offices, as well as the other state agencies enumerated above. None of these agencies is singularly responsible for providing information to a victim concerning the status of the person accused or convicted of a crime.

The Florida Crimes Compensation Act, Chapter 960, F.S., provides that certain victims of crime, surviving family members of deceased victims, and persons who intervene on behalf of victims of crime are eligible for awards up to \$15,000 from the Crime Compensation Trust Fund. This program is administered by the Crime Victims' Services Office of the Department of Legal Affairs. According to the department, the Crime Victims' Services Office provides a toll-free telephone number for victims to call to receive information concerning the crimes compensation program. However, the department is not presently equipped technologically for victims to be able to receive information concerning the status of criminal offenders in the system.

Section 960.05, F.S., provides that the Crime Victims' Services Office is also responsible for providing the following services to victims: ensuring that the rights of victims are properly publicized; administering federally funded victim assistance services programs; coordinating the flow of information among agencies providing victim services; investigating crimes compensation claims; assisting public agencies and local governments to provide assistance for crime victims; enlisting the assistance of public and voluntary health, education, welfare, and rehabilitation agencies to help crime victims; and serving as a clearinghouse for information relating to problems encountered by crime victims.

B. EFFECT OF PROPOSED CHANGES:

House Bill 3553 would require the Crime Victims' Services Office of the Department of Legal Affairs to establish a statewide toll-free telephone number for crime victims, relatives of homicide victims, and crime witnesses to use for being informed about the status of the person accused or convicted of the crime involving the victim or witness. Victims and witnesses could also use the telephone number as a way to update their address information. The toll-free number would be available 24 hours a day, 7 days a week, 365 days a year.

In addition, the Crime Victims' Services Office would be responsible for providing information about the telephone number to the DOC, the Parole Commission, the FDLE,

the state attorneys, and local law enforcement agencies. The Crime Victims' Services Office would also be required to give any updated victim address information to these same agencies. Every six months, the Crime Victims' Services Office would verify the address and telephone number of each victim, relative, or witness who wanted to be kept informed.

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?

N/A

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

N/A

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

N/A

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:

The bill creates an unnumbered section to the Florida Statutes

E. SECTION-BY-SECTION RESEARCH:

This section need be completed only in the discretion of the Committee.

III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

Indeterminate (See fiscal comments)

2. Recurring Effects:

Indeterminate (See fiscal comments)

3. Long Run Effects Other Than Normal Growth:

None

4. Total Revenues and Expenditures:

Indeterminate (See fiscal comments)

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

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:

According to the Department of Legal Affairs, the implementation of this bill will require computer technology that the department does not currently have. The department reports that it is unable to estimate the cost.

The DOC states that it may incur additional costs because of a possible increase in workload due to updating victim information more frequently than is currently required (six months prior to the inmate's release) and because of providing training to the Department of Legal Affairs.

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

A. APPLICABILITY OF THE MANDATES PROVISION:

N/A

B. REDUCTION OF REVENUE RAISING AUTHORITY:

N/A

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

N/A

V. COMMENTS:

According to the DOC, if it utilizes current technology and remains within existing resources, the data base will not be accessible one weekend a month because of routine maintenance and thus it will not be possible to provide 24-hour access to information about convicted offenders under the department's supervision.

It is also noteworthy that the DOC, along with the Governor's Office, the Department of Juvenile Justice (DJJ), and the Sheriffs Association, is presently looking into the possibility

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of implementing a victim information and notification system. Two systems are currently being considered. One is commonly referred to as VINE (Victim Information and Notification Everyday); the other system is known as VOICE (Victim Offender Information Caller Emissary). Either of these systems could link the data systems of the jails, the DJJ, the DOC, the courts, and state attorneys to provide information to victims. These systems could be accessed by victims through a statewide toll-free telephone number available 24 hours a day, 365 days a year. According to the DOC, these systems are currently being used in several states and in several counties in Florida. However, a funding source has not yet been identified.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON LAW ENFORCEMENT & PUBLIC SAFETY:

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AS FURTHER REVISED BY THE COMMITTEE ON CRIMINAL JUSTICE

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