

**STORAGE NAME:** h0393.cp

**DATE:** April 6, 1997

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
CRIME AND PUNISHMENT  
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

**BILL #:** HB 393

**RELATING TO:** Public Notification of the Presence of Violent Offenders

**SPONSOR(S):** Representative Morroni

**STATUTE(S) AFFECTED:** Section 775.212

**COMPANION BILL(S):**

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

- (1) CRIME AND PUNISHMENT
- (2) CRIMINAL JUSTICE APPROPRIATIONS
- (3)
- (4)
- (5)

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**I. SUMMARY:**

Currently, DOC is required to notify the sentencing judge, the prosecuting state attorney's office, the arresting law enforcement agency, the sheriff of the appropriate county, and the victim of the crime, six months before any inmate is due for release. See Section 944.605, F.S.

Upon receiving information about released inmates, this bill directs the sheriff or police chief, as appropriate, to "notify the public" of the name, photograph, address and the circumstances of the offense, for those inmates convicted of violent offenses who are expected to be released into their county.

The Department of Corrections reports that there were 5,284 offenders sentenced in 1996 who would have qualified for the notice requirements provided for by the bill.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

The law currently requires the Department of Corrections to notify the sentencing judge, the prosecuting state attorney, the arresting law enforcement agency, the sheriff and the victim of the offense six months before the release of an inmate. See Section 944.605, F.S.

Another law, similar to this bill, requires public notification of the presence in the community of a released "sexual predator." See Section 775.21. That law specifies that notification will occur by publication of the offender's name, photograph, address and circumstances of the offense in a newspaper or other publication of general circulation, twice, on successive weeks.

B. EFFECT OF PROPOSED CHANGES:

This bill requires the sheriff or chief of police, as appropriate, to "notify the public", as to the presence of a violent offender in the community following notification of their pending release from prison, as required by Section 944.605. A violent offender is defined as an offender who has been convicted of a felony, or an attempt or conspiracy to commit a felony, and one or more of such convictions was for:

- a) Arson
- b) Sexual battery
- c) Robbery
- d) Kidnapping
- e) Aggravated child abuse
- f) Aggravated abuse of an elderly person or disabled adult.
- g) Aggravated assault
- h) Murder
- l) Manslaughter
- j) Aggravated manslaughter of a disabled person or elderly adult
- k) Aggravated manslaughter of a child
- l) Unlaw throwing, placing, or discharging of a destructive device or bomb.
- m) Armed burglary
- n) Aggravated battery, or
- o) Aggravated stalking

Unlike the Sexual Predator notification law, this bill does not specify how the sheriff is to implement notification, only what information the notification shall contain.

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. Local sheriffs and chiefs of police will be required to implement the notification process as set forth, above.

(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?

Not applicable.

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

Not applicable.

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

Not applicable.

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No.

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

No.

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

No.

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

No.

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

No.

3. Personal Responsibility:

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

No.

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

No.

4. Individual Freedom:

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

Not applicable

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

Not applicable.

5. Family Empowerment:

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

(1) Who evaluates the family's needs?

Not applicable.

(2) Who makes the decisions?

Not applicable.

(3) Are private alternatives permitted?

Not applicable.

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

Not applicable.

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

Not applicable.

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

No.

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?

Not applicable.

(2) service providers?

Not applicable.

(3) government employees/agencies?

Not applicable.

**D. SECTION-BY-SECTION RESEARCH:**

Section (1):

This section instructs the sheriff, or chief of police, of the community in which the inmate is to be released, to determine whether the inmate is a violent offender as defined in this section. If the inmate so qualifies, this section instructs the sheriff, or chief of police, to notify the public of:

a) The name;

- b) A description of the violent offender, including a photograph;
- c) The violent offender's intended address of residence; and
- d) The circumstances of the offense.

Section (2):

This section expressly forbids permission to release the name of any victim of the violent offense.

Section (3):

This section defines the term "violent offender" as an offender who has been convicted of a felony, or an attempt or conspiracy to commit a felony, and one or more of such convictions was for the aforementioned violent offenses.

III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None anticipated.

2. Recurring Effects:

None anticipated.

3. Long Run Effects Other Than Normal Growth:

None anticipated.

4. Total Revenues and Expenditures:

None anticipated.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None anticipated.

2. Recurring Effects:

See, Fiscal Comments, below.

3. Long Run Effects Other Than Normal Growth:

None anticipated.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None anticipated.

2. Direct Private Sector Benefits:

Local newspapers could benefit from advertising costs, should the Sheriff choose this medium to accomplish notification.

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

None anticipated.

D. FISCAL COMMENTS:

The Department of Corrections reports that there were 5,284 offenders sentenced in 1996 who would have qualified for the notice requirements provided for by this bill. Because it provides no funding, however, compliance could be deemed discretionary.

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

A. APPLICABILITY OF THE MANDATES PROVISION:

Because this bill does not provide funding for the costs of notifying the community of the presence of a recently released violent offender, the notification could be deemed discretionary. Hence, local county governments will ultimately decide whether to fund their sheriffs and police chiefs in order to comply with this law.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

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

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

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V. COMMENTS:

This bill does not provide funding for the counties; hence, compliance could be discretionary. Moreover, the bill does not specify how notification shall be accomplished. Hence, posting the offender's photograph, name and address in the courthouse may satisfy this requirement. On the other hand, city and county governments may decide they want more expensive and effective notifications and provide funding, accordingly.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

VII. SIGNATURES:

COMMITTEE ON CRIME AND PUNISHMENT:

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