

By Representative Putnam

1 A bill to be entitled
2 An act relating to parole; amending ss. 947.16,
3 947.174, 947.1745, F.S., relating to
4 eligibility for parole, parole interviews, and
5 the establishment of a parole release date;
6 providing for the Parole Commission to review
7 an inmate's presumptive parole release date
8 less frequently; providing an effective date.

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

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12 Section 1. Paragraphs (c), (g), and (h) of subsection
13 (4) of section 947.16, Florida Statutes, are amended to read:

14 947.16 Eligibility for parole; initial parole
15 interviews; powers and duties of commission.--

16 (4) A person who has become eligible for an initial
17 parole interview and who may, according to the objective
18 parole guidelines of the commission, be granted parole shall
19 be placed on parole in accordance with the provisions of this
20 law; except that, in any case of a person convicted of murder,
21 robbery, burglary of a dwelling or burglary of a structure or
22 conveyance in which a human being is present, aggravated
23 assault, aggravated battery, kidnapping, sexual battery or
24 attempted sexual battery, incest or attempted incest, an
25 unnatural and lascivious act or an attempted unnatural and
26 lascivious act, lewd and lascivious behavior, assault or
27 aggravated assault when a sexual act is completed or
28 attempted, battery or aggravated battery when a sexual act is
29 completed or attempted, arson, or any felony involving the use
30 of a firearm or other deadly weapon or the use of intentional
31 violence, at the time of sentencing the judge may enter an

1 order retaining jurisdiction over the offender for review of a
2 commission release order. This jurisdiction of the trial
3 court judge is limited to the first one-third of the maximum
4 sentence imposed. When any person is convicted of two or more
5 felonies and concurrent sentences are imposed, then the
6 jurisdiction of the trial court judge as provided herein
7 applies to the first one-third of the maximum sentence imposed
8 for the highest felony of which the person was convicted. When
9 any person is convicted of two or more felonies and
10 consecutive sentences are imposed, then the jurisdiction of
11 the trial court judge as provided herein applies to one-third
12 of the total consecutive sentences imposed.

13 (c) In such a case of retained jurisdiction, the
14 commission, within 30 days after the entry of its release
15 order, shall send notice of its release order to the original
16 sentencing judge and to the appropriate state attorney. The
17 release order shall be made contingent upon entry of an order
18 by the appropriate circuit judge relinquishing jurisdiction as
19 provided for in paragraphs (d) and (f)~~paragraph 5(d) and (f)~~.
20 If the original sentencing judge is no longer in service, such
21 notice shall be sent to the chief judge of the circuit in
22 which the offender was sentenced. The chief judge may
23 designate any circuit judge within the circuit to act in the
24 place of the original sentencing judge. Such notice shall
25 stay the time requirements of s. 947.1745.

26 (g) The decision of the original sentencing judge or,
27 in his absence, the chief judge of the circuit to vacate any
28 parole release order as provided in this section ~~act~~ is not
29 appealable. Each inmate whose parole release order has been
30 vacated by the court shall be reinterviewed once within 5 ~~2~~
31 years after the date of receipt of the vacated release order

1 and once every 5 ~~2~~ years thereafter, or earlier by order of
2 the court retaining jurisdiction.

3 (h) An inmate whose parole release order has been
4 vacated by the court may not be given a presumptive parole
5 release date during the period of retention of jurisdiction by
6 the court. During such period, a new effective parole release
7 date may be authorized at the discretion of the commission
8 without further interview unless an interview is requested by
9 no fewer than two commissioners. Any such new effective
10 parole release date must ~~shall~~ be reviewed in accordance with
11 the provisions of paragraphs (c), (d), (e), (f), and (g).

12 Section 2. Subsection (1) of section 947.174, Florida
13 Statutes, is amended to read:

14 947.174 Subsequent interviews.--

15 (1) For any inmate whose presumptive parole release
16 date falls more than 5 ~~2~~ years after the date of the initial
17 interview, a hearing examiner shall schedule an interview for
18 review of the presumptive parole release date. Such interview
19 shall take place once within 5 ~~2~~ years after the initial
20 interview and once every 5 ~~2~~ years thereafter. Such
21 interviews shall be limited to determining whether or not
22 information has been gathered which might affect the
23 presumptive parole release date. The provisions of this
24 subsection shall not apply to an inmate serving a concurrent
25 sentence in another jurisdiction pursuant to s. 921.16(2).

26 Section 3. Subsection (6) of section 947.1745, Florida
27 Statutes, is amended to read:

28 947.1745 Establishment of effective parole release
29 date.--If the inmate's institutional conduct has been
30 satisfactory, the presumptive parole release date shall become
31 the effective parole release date as follows:

1 (6) Within 90 days before the effective parole release
2 date interview, the commission shall send written notice to
3 the sentencing judge of any inmate who has been scheduled for
4 an effective parole release date interview. If the sentencing
5 judge is no longer serving, the notice must be sent to the
6 chief judge of the circuit in which the offender was
7 sentenced. The chief judge may designate any circuit judge
8 within the circuit to act in the place of the sentencing
9 judge. Within 30 days after receipt of the commission's
10 notice, the sentencing judge, or the designee, shall send to
11 the commission notice of objection to parole release, if the
12 judge objects to such release. If there is objection by the
13 judge, such objection may constitute good cause in exceptional
14 circumstances as described in s. 947.173, and the commission
15 may schedule a subsequent review once within 5 ~~2~~ years,
16 extending the presumptive parole release date beyond that
17 time. With any subsequent review the same procedure outlined
18 above will be followed. If the judge remains silent with
19 respect to parole release, the commission may authorize an
20 effective parole release date. This subsection applies if the
21 commission desires to consider the establishment of an
22 effective release date without delivery of the effective
23 parole release date interview. Notice of the effective
24 release date must be sent to the sentencing judge, and either
25 the judge's response to the notice must be received or the
26 time period allowed for such response must elapse before the
27 commission may authorize an effective release date.

28 Section 4. This act shall take effect October 1, 1997.
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HOUSE SUMMARY

Provides for the Parole Commission to review the date of
an inmate's release under parole once every 5 years
rather than once every 2 years.