

## SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

Date: March 17, 1998 Revised: \_\_\_\_\_

Subject: Notification of Escaped Prisoner

	<u>Analyst</u>	<u>Staff Director</u>	<u>Reference</u>	<u>Action</u>
1.	<u>Barrow</u>	<u>Miller</u>	<u>CJ</u>	<u>Favorable/CS</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

### I. Summary:

The CS/SB 930 would require that the “guidelines for fair treatment of victims,” which is required to be developed and implemented pursuant to chapter 960, Florida Statutes, include guidelines that meet the objective of immediately notifying the appropriate sentencing judge upon the escape of an inmate from a state, local, or juvenile correctional facility, including public and private facilities. The CS would take effect upon becoming law.

This CS would substantially amend the following section of the Florida Statutes: 960.001.

### II. Present Situation:

Under current law, when an inmate escapes from a state correctional institution, county jail, juvenile detention facility, or juvenile residential commitment facility, the facility is required to make “immediate notification” to the state attorney of the jurisdiction where the criminal charge arose. *See, s. 960.001 (1) (p), F.S.* Upon receiving notification, the state attorney is required to make every effort to notify:

- a. the victim of the crime,
- b. any material witness to the criminal case,
- c. the parents or legal guardian of a minor who is a victim or witness,
- d. the immediate relatives of the homicide victim of the escapee, and
- e. the sheriff of the county where the criminal charge arose.

A judge who sentences an offender to incarceration in a state correctional facility, a county jail, a juvenile detention facility, or a juvenile residential commitment facility is not required under current law to be notified if an inmate who he or she sentenced escapes from incarceration. If a

judge is notified it is only due to the gratuitous notification by the state attorney, sheriff, or correctional facility in which the offender was incarcerated.

Many judges see the same offenders in their courtrooms many times on the same charges prior to offenders being sentenced to incarceration. It is also not unusual for a judge to encounter the same offender several times on subsequent new offenses. As a result of multi-contacts with the same offenders, criminal offenders often times have a chance to develop animosity and to learn more about judges' appearance and habits to place judges at a greater risk of harm from criminal offenders they have sentenced. It is not uncommon for criminal offenders to threaten judges as well as prosecutors when they are sentenced to incarceration.

### **III. Effect of Proposed Changes:**

The CS/SB 930 would statutorily require a state correctional facility, a private correctional facility, a county jail, a juvenile detention facility, or a juvenile residential commitment facility to notify a criminal offender's sentencing judge if that offender escapes from incarceration. Current law would be maintained which requires the facility to also notify the state attorney in the jurisdiction in which the offender was sentenced and the sheriff in the county where the criminal or delinquent charge arose if an offender escapes from incarceration.

The CS would also require the institution of confinement to again immediately notify the appropriate state attorney and sentencing judge when the escaped offender is subsequently captured or is captured and returned to the institution of confinement.

The CS would take effect upon becoming law.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

**V. Economic Impact and Fiscal Note:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

According to the Department of Corrections, implementation of this CS would require that the notification computer program be modified to include notification of the sentencing judge upon escape and again upon capture of an offender. It is also anticipated that the Department of Juvenile Justice would need to also make adjustments within its computer system or internal procedure to ensure that sentencing judges are immediately notified of any escapes and again notified when an escaped offender is recaptured.

It is currently unknown by staff what cost is involved in making these adjustments.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.