

By Senator Clary

7-1036A-99

1                                   A bill to be entitled  
 2           An act relating to presentence investigation  
 3           reports; amending s. 921.231, F.S.; requiring  
 4           that the Department of Corrections provide the  
 5           nonconfidential portions of a presentence  
 6           investigation report to the defendant, the  
 7           defendant's attorney, and the victim or family  
 8           of a homicide victim; amending s. 945.10, F.S.;  
 9           authorizing the limited release of certain  
 10          confidential investigative records of the  
 11          Department of Corrections; amending s. 960.001,  
 12          F.S.; requiring that the state attorney release  
 13          a copy of the presentence investigation report  
 14          to the victim, the victim's parent or guardian,  
 15          or the victim's next of kin; requiring that  
 16          confidential information be redacted from the  
 17          report; providing an effective date.

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

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 21           Section 1. Subsection (5) is added to section 921.231,  
 22 Florida Statutes, to read:

23           921.231 Presentence investigation reports.--  
 24           (5) The Department of Corrections shall make the  
 25 nonconfidential portion of the presentence investigation  
 26 report available, simultaneously, to the defendant; the  
 27 defendant's attorney; and the victim, a designated  
 28 representative of the victim, or the immediate family of a  
 29 homicide victim.

30           Section 2. Subsection (1) of section 945.10, Florida  
 31 Statutes, 1998 Supplement, is amended to read:

1           945.10 Confidential information.--

2           (1) Except as otherwise provided by law or in this  
3 section, the following records and information of the  
4 Department of Corrections are confidential and exempt from the  
5 provisions of s. 119.07(1) and s. 24(a), Art. I of the State  
6 Constitution:

7           (a) Mental health, medical, or substance abuse records  
8 of an inmate or an offender.

9           (b) Preplea, pretrial intervention, and presentence or  
10 postsentence investigative records, except as provided in ss.  
11 960.001(1)(g) and 921.321.

12           (c) Information regarding a person in the federal  
13 witness protection program.

14           (d) Parole Commission records which are confidential  
15 or exempt from public disclosure by law.

16           (e) Information which if released would jeopardize a  
17 person's safety.

18           (f) Information concerning a victim's statement and  
19 identity.

20           (g) The identity of an executioner, or a person  
21 administering a lethal injection pursuant to s. 922.105.

22           (h) Records that are otherwise confidential or exempt  
23 from public disclosure by law.

24           Section 3. Paragraph (g) of subsection (1) of section  
25 960.001, Florida Statutes, 1998 Supplement, is amended to  
26 read:

27           960.001 Guidelines for fair treatment of victims and  
28 witnesses in the criminal justice and juvenile justice  
29 systems.--

30           (1) The Department of Legal Affairs, the state  
31 attorneys, the Department of Corrections, the Department of

1 Juvenile Justice, the Parole Commission, the State Courts  
2 Administrator and circuit court administrators, the Department  
3 of Law Enforcement, and every sheriff's department, police  
4 department, or other law enforcement agency as defined in s.  
5 943.10(4) shall develop and implement guidelines for the use  
6 of their respective agencies, which guidelines are consistent  
7 with the purposes of this act and s. 16(b), Art. I of the  
8 State Constitution and are designed to implement the  
9 provisions of s. 16(b), Art. I of the State Constitution and  
10 to achieve the following objectives:

11 (g)1. Consultation with victim or guardian or family  
12 of victim.--In addition to being notified of the provisions of  
13 s. 921.143, the victim of a felony involving physical or  
14 emotional injury or trauma or, in a case in which the victim  
15 is a minor child or in a homicide, the guardian or family of  
16 the victim shall be consulted by the state attorney in order  
17 to obtain the views of the victim or family about the  
18 disposition of any criminal or juvenile case brought as a  
19 result of such crime, including the views of the victim or  
20 family about:

21 ~~a.1.~~ The release of the accused pending judicial  
22 proceedings;

23 ~~b.2.~~ Plea agreements;

24 ~~c.3.~~ Participation in pretrial diversion programs; and

25 ~~d.4.~~ Sentencing of the accused.

26 2. Upon request, the state attorney shall also provide  
27 the victim, the victim's parent or guardian if the victim is a  
28 minor, or the victim's next of kin in the case of a homicide a  
29 copy of the presentence investigation report if one was  
30 completed. Any confidential information that pertains to  
31 medical history, mental health, or substance abuse and any

1 information that pertains to any other victim shall be  
2 redacted from the copy of the report.

3 Section 4. This act shall take effect July 1, 1999.

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6 SENATE SUMMARY

7 Requires that the Department of Corrections provide the  
8 presentence investigation report to the defendant, the  
9 defendant's attorney, and the victim or family of a  
10 homicide victim. Requires that the state attorney release  
11 a copy of the nonconfidential portions of the presentence  
12 investigation report, upon request, to the victim, the  
13 victim's parent or guardian, or the victim's next of kin.  
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