

By the Committee on Criminal Justice and Senator Clary

307-1941A-99

1 A bill to be entitled
2 An act relating to presentence investigation
3 reports; creating the "Blair Benson Act";
4 amending s. 945.10, F.S.; authorizing the
5 limited review of certain confidential
6 investigative records of the Department of
7 Corrections; amending s. 960.001, F.S.;
8 requiring the state attorney to permit the
9 victim, the victim's parent or guardian, or the
10 victim's next of kin to review a copy of the
11 presentence investigation report; requiring
12 that confidential information be redacted from
13 the report; requiring any person who reviews
14 the presentence investigation report to
15 maintain the confidentiality of the report;
16 providing an effective date.

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

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20 Section 1. Subsection (1) of section 945.10, Florida
21 Statutes, 1998 Supplement, is amended to read:

22 945.10 Confidential information.--

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

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

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1 (b) Preplea, pretrial intervention, and presentence or
2 postsentence investigative records, except as provided in ss.
3 960.001(1)(g).

4 (c) Information regarding a person in the federal
5 witness protection program.

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

8 (e) Information which if released would jeopardize a
9 person's safety.

10 (f) Information concerning a victim's statement and
11 identity.

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

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

16 Section 2. Paragraph (g) of subsection (1) of section
17 960.001, Florida Statutes, 1998 Supplement, is amended to
18 read:

19 960.001 Guidelines for fair treatment of victims and
20 witnesses in the criminal justice and juvenile justice
21 systems.--

22 (1) The Department of Legal Affairs, the state
23 attorneys, the Department of Corrections, the Department of
24 Juvenile Justice, the Parole Commission, the State Courts
25 Administrator and circuit court administrators, the Department
26 of Law Enforcement, and every sheriff's department, police
27 department, or other law enforcement agency as defined in s.
28 943.10(4) shall develop and implement guidelines for the use
29 of their respective agencies, which guidelines are consistent
30 with the purposes of this act and s. 16(b), Art. I of the
31 State Constitution and are designed to implement the

1 provisions of s. 16(b), Art. I of the State Constitution and
2 to achieve the following objectives:

3 (g)1. Consultation with victim or guardian or family
4 of victim.--In addition to being notified of the provisions of
5 s. 921.143, the victim of a felony involving physical or
6 emotional injury or trauma or, in a case in which the victim
7 is a minor child or in a homicide, the guardian or family of
8 the victim shall be consulted by the state attorney in order
9 to obtain the views of the victim or family about the
10 disposition of any criminal or juvenile case brought as a
11 result of such crime, including the views of the victim or
12 family about:

13 ~~a.1.~~ The release of the accused pending judicial
14 proceedings;

15 ~~b.2.~~ Plea agreements;

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

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

18 2. Upon request, the state attorney shall permit the
19 victim, the victim's parent or guardian if the victim is a
20 minor, or the victim's next of kin in the case of a homicide
21 to review a copy of the presentence investigation report prior
22 to the sentencing hearing if one was completed. Any
23 confidential information that pertains to medical history,
24 mental health, or substance abuse and any information that
25 pertains to any other victim shall be redacted from the copy
26 of the report. Any person who reviews the report pursuant to
27 this paragraph must maintain the confidentiality of the report
28 and shall not disclose its contents to any person except
29 statements made to the state attorney or the court.

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

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 1870

1. Names the act as the "Blair Benson Act."
2. Deletes the provision requiring the Department of Corrections to supply the victim with a copy of the presentence investigation report.
3. Provides that the victim may review, rather than have, a copy of the presentence investigation report, and requires the victim to maintain the confidentiality of the report.