

By Representative Bense

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

13

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

15

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

18 945.10 Confidential information.--

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

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

26 (b) Preplea, pretrial intervention, and presentence or
27 postsentence investigative records, except as provided in s.
28 960.001(1)(g).

29 (c) Information regarding a person in the federal
30 witness protection program.

31

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

3 (e) Information which if released would jeopardize a
4 person's safety.

5 (f) Information concerning a victim's statement and
6 identity.

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

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

11 Section 2. Paragraph (g) of subsection (1) of section
12 960.001, Florida Statutes, 1998 Supplement, is amended to
13 read:

14 960.001 Guidelines for fair treatment of victims and
15 witnesses in the criminal justice and juvenile justice
16 systems.--

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

29 (g) Consultation with victim or guardian or family of
30 victim.--

31

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

10 ~~a.1.~~ The release of the accused pending judicial
11 proceedings;

12 ~~b.2.~~ Plea agreements;

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

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

15 2. Upon request, the state attorney shall also provide
16 the victim, the victim's parent or guardian if the victim is a
17 minor, or the victim's next of kin in the case of a homicide a
18 copy of the presentence investigation report if one was
19 completed. Any confidential information that pertains to
20 medical history, mental health, or substance abuse and any
21 information that pertains to any other victim shall be
22 redacted from the copy of the report.

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

24

25 *****

26 LEGISLATIVE SUMMARY

27

28 Requires that the state attorney release a copy of the
29 nonconfidential portions of the presentence investigation
report, upon request, to the victim, the victim's parent
or guardian, or the victim's next of kin.

30

31