

By the Committee on Corrections and Representative
Trovillion

1 A bill to be entitled
2 An act relating to inmate parole interviews,
3 reinterviews, and reviews by the Parole
4 Commission; amending ss. 947.16, 947.174, and
5 947.1745, F.S.; specifying minimum interview,
6 reinterview, and review frequencies; providing
7 an effective date.

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

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11 Section 1. Paragraph (g) of subsection (4) of section
12 947.16, Florida Statutes, is amended to read:

13 947.16 Eligibility for parole; initial parole
14 interviews; powers and duties of commission.--

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

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

12 (g) The decision of the original sentencing judge or,
13 in her or his absence, the chief judge of the circuit to
14 vacate any parole release order as provided in this section is
15 not appealable. Each inmate whose parole release order has
16 been vacated by the court shall be reinterviewed within 2
17 years after the date of receipt of the vacated release order
18 and every 2 years thereafter, or earlier by order of the court
19 retaining jurisdiction. However, each inmate whose parole
20 release order has been vacated by the court and who has been:

- 21 1. Convicted of murder or attempted murder;
- 22 2. Convicted of sexual battery or attempted sexual
23 battery; or
- 24 3. Sentenced to a 25-year minimum mandatory sentence
25 previously provided in s. 775.082,

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27 shall be reinterviewed no less than once within 5 years, but
28 no more often than once every 30 months, after the date of
29 receipt of the vacated release order and no less than once
30 every 5 years, but no more often than once every 30 months,
31 thereafter, if the commission finds that it is not reasonable

1 to expect that parole would be granted during the following
2 years and states the bases for the finding in writing. For
3 any inmate who is within 7 years of his or her tentative
4 release date, the commission may establish an additional ~~a~~
5 reinterview date prior to the 5-year schedule.

6 Section 2. Paragraph (b) of subsection (1) of section
7 947.174, Florida Statutes, is amended to read:

8 947.174 Subsequent interviews.--

9 (1)

10 (b) For any inmate convicted of murder, attempted
11 murder, sexual battery, attempted sexual battery, or who has
12 been sentenced to a 25-year minimum mandatory sentence
13 previously provided in s. 775.082, and whose presumptive
14 parole release date is more than 5 years after the date of the
15 initial interview, a hearing examiner shall schedule an
16 interview for review of the presumptive parole release date.
17 Such interview shall take place no less than once within 5
18 years, but no more often than once every 30 months, after the
19 initial interview and no less than once every 5 years, but no
20 more often than once every 30 months, thereafter if the
21 commission finds that it is not reasonable to expect that
22 parole will be granted at a hearing during the following years
23 and states the bases for the finding in writing. For any
24 inmate who is within 7 years of his or her tentative release
25 date, the commission may establish an additional interview
26 date prior to the 5-year schedule.

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

29 947.1745 Establishment of effective parole release
30 date.--If the inmate's institutional conduct has been

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1 satisfactory, the presumptive parole release date shall become
2 the effective parole release date as follows:

3 (6) Within 90 days before the effective parole release
4 date interview, the commission shall send written notice to
5 the sentencing judge of any inmate who has been scheduled for
6 an effective parole release date interview. If the sentencing
7 judge is no longer serving, the notice must be sent to the
8 chief judge of the circuit in which the offender was
9 sentenced. The chief judge may designate any circuit judge
10 within the circuit to act in the place of the sentencing
11 judge. Within 30 days after receipt of the commission's
12 notice, the sentencing judge, or the designee, shall send to
13 the commission notice of objection to parole release, if the
14 judge objects to such release. If there is objection by the
15 judge, such objection may constitute good cause in exceptional
16 circumstances as described in s. 947.173, and the commission
17 may schedule a subsequent review within 2 years, extending the
18 presumptive parole release date beyond that time. However, for
19 an inmate who has been:

20 (a) Convicted of murder or attempted murder;

21 (b) Convicted of sexual battery or attempted sexual
22 battery; or

23 (c) Sentenced to a 25-year minimum mandatory sentence
24 previously provided in s. 775.082,

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26 the commission may schedule a subsequent review under this
27 subsection no less than once every 5 years, but no more often
28 than once every 30 months, extending the presumptive parole
29 release date beyond that time if the commission finds that it
30 is not reasonable to expect that parole would be granted at a
31 review during the following years and states the bases for the

1 finding in writing. For any inmate who is within 7 years of
2 his or her release date, the commission may schedule an
3 additional ~~a subsequent~~ review prior to the 5 year schedule.
4 With any such additional ~~subsequent~~ review the same procedure
5 outlined above will be followed. If the judge remains silent
6 with respect to parole release, the commission may authorize
7 an effective parole release date. This subsection applies if
8 the commission desires to consider the establishment of an
9 effective release date without delivery of the effective
10 parole release date interview. Notice of the effective
11 release date must be sent to the sentencing judge, and either
12 the judge's response to the notice must be received or the
13 time period allowed for such response must elapse before the
14 commission may authorize an effective release date.

15 Section 4. This act shall take effect upon becoming a
16 law.

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19 HOUSE SUMMARY

20 Specifies minimum frequencies for inmate interviews,
21 reinterviews, and reviews for parole by the Parole
22 Commission.

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