

By the Committee on Corrections and Representative
Trovillion

1 A bill to be entitled
2 An act relating to postrelease supervision of
3 offenders; creating the "Supervision of Violent
4 Offenders Act of 2000"; amending s. 947.01,
5 F.S.; increasing the number of Parole
6 Commission commissioners; amending s. 947.07,
7 F.S.; clarifying the commission's authority to
8 adopt rules; amending s. 947.1405, F.S.;
9 revising a short title; revising criteria for
10 eligibility for conditional release; providing
11 that an inmate who has committed any of
12 specified crimes shall be subject to
13 conditional release supervision; specifying
14 that certain inmates are to be released under
15 "conditional release" supervision; revising
16 terms and conditions of conditional release
17 supervision applicable to certain inmates
18 convicted of specified offenses or sentenced as
19 a habitual or violent felony offender or a
20 violent career criminal; providing for
21 applicability of such supervision to all
22 sentences under specified circumstances when an
23 inmate's overall term of sentences includes one
24 or more sentences on which the eligibility for
25 control release supervision is based; requiring
26 supervision by the Department of Corrections
27 under certain circumstances; providing for
28 revocation of the conditional release
29 supervision under certain circumstances;
30 providing for forfeiture of all gain-time under
31 specified circumstances; authorizing the

1 commission to revoke the resulting deferred
2 conditional release supervision and take other
3 appropriate action; providing for the
4 supervision to revert to the authority of the
5 commission and be subject to the conditions of
6 the commission under certain circumstances;
7 providing for applicability of various changes
8 made by the act to certain inmates convicted of
9 certain crimes; providing for applicability of
10 certain provisions relating to the authority of
11 the commission to establish terms and
12 conditions of such release and to determine
13 whether a violation has occurred or revocation
14 is warranted; providing for applicability of a
15 requirement that certain offenders submit to
16 random substance abuse testing throughout the
17 term of such conditional release supervision;
18 eliminating the requirement for a personal
19 interview with inmates for purpose of
20 establishing the terms and conditions of
21 conditional release and clarifying the
22 commission's authority for electronic
23 monitoring; authorizing the commission to adopt
24 rules; amending s. 775.21, F.S.; conforming a
25 cross reference; reenacting certain provisions
26 for purposes of incorporating amendments to s.
27 947.1405, F.S.; providing an effective date.

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29 WHEREAS, the current sentencing guidelines are no
30 longer based on the four category levels of severity which
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1 served as the criteria for conditional release eligibility,
2 and

3 WHEREAS, inmates who commit serious violent offenses
4 should be required to serve a period of time under strict
5 conditions of supervision when released from custody as a
6 result of accumulated gain-time, and

7 WHEREAS, the serious violent crimes which require a
8 period of strict supervision should be specified in statute
9 and include any attempt, solicitation, or conspiracy to commit
10 these serious violent crimes, and

11 WHEREAS, a conviction for one of the specified serious
12 violent crimes is sufficient in itself, without the necessity
13 of a prior felony commitment, to require imposition of a
14 period of strict conditional release supervision, and

15 WHEREAS, any violation of these strict conditions of
16 release which results in revocation of supervision should
17 result in the forfeiture of all accumulated gain-time, and

18 WHEREAS, when an inmate also has been subject to
19 conditions of probation or community control following release
20 from incarceration, and the inmate has violated these
21 conditions with the result that the probation or community
22 control is revoked in a proceeding before a judge, the Florida
23 Parole Commission should not be required to conduct a second
24 administrative proceeding to revoke any concurrent or
25 consecutive term of conditional release supervision, and

26 WHEREAS, such a second administrative proceeding is not
27 constitutionally required and is an unjustified and
28 inefficient use of limited state resources, NOW, THEREFORE,

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30 Be It Enacted by the Legislature of the State of Florida:
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1 Section 1. This act may be cited as the "Supervision
2 of Violent Offenders Act of 2000."

3 Section 2. Section 947.01, Florida Statutes, is
4 amended to read:

5 947.01 Parole Commission; creation; number of
6 members.--A Parole Commission is created to consist of six
7 members who are residents of the state. Effective July 1,
8 2000, the membership of the commission shall be four members.
9 ~~Effective July 1, 1996, the membership of the commission shall~~
10 ~~be three members.~~

11 Section 3. Section 947.07, Florida Statutes, is
12 amended to read:

13 947.07 Rules.--The commission has authority to adopt
14 rules pursuant to ss. 120.536(1) and 120.54 to implement ~~for~~
15 its statutory authority ~~governance~~, including among other
16 things rules of practice and procedure and rules prescribing
17 qualifications to be possessed by its employees.

18 Section 4. Section 947.1405, Florida Statutes, is
19 amended to read:

20 947.1405 Conditional release program.--

21 (1) This section and s. 947.141 may be cited as the
22 "Supervision of Violent Offenders ~~Conditional Release Program~~
23 Act of 2000."

24 (2) Any inmate who:

25 (a) Is convicted of a crime committed on or after
26 October 1, 1988, and before January 1, 1994, and any inmate
27 who is convicted of a crime committed on or after January 1,
28 1994, and before July 1, 2000, which crime is or was contained
29 in category 1, category 2, category 3, or category 4 of Rule
30 3.701 and Rule 3.988, Florida Rules of Criminal Procedure
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1 (1993), and who has served at least one prior felony
2 commitment at a state or federal correctional institution;
3 (b) Is sentenced as a habitual or violent habitual
4 offender or a violent career criminal pursuant to s. 775.084
5 based upon an offense committed before July 1, 2000; or
6 (c) Is found to be a sexual predator under s. 775.21
7 or former s. 775.23, based upon an offense committed before
8 July 1, 2000,
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10 shall, upon reaching the tentative release date or provisional
11 release date, whichever is earlier, as established by the
12 Department of Corrections, be released under conditional
13 release supervision subject to specified terms and conditions,
14 including payment of the cost of supervision pursuant to s.
15 948.09. Effective May 17, 1997, such supervision shall be
16 applicable to all sentences within the overall term of
17 sentences if an inmate's overall term of sentences includes
18 one or more sentences that are eligible for conditional
19 release supervision as provided herein. Effective July 1,
20 1994, and applicable for offenses committed on or after that
21 date, the commission may require, as a condition of
22 conditional release, that the releasee make payment of the
23 debt due and owing to a county or municipal detention facility
24 under s. 951.032 for medical care, treatment, hospitalization,
25 or transportation received by the releasee while in that
26 detention facility. The commission, in determining whether to
27 order such repayment and the amount of such repayment, shall
28 consider the amount of the debt, whether there was any fault
29 of the institution for the medical expenses incurred, the
30 financial resources of the releasee, the present and potential
31 future financial needs and earning ability of the releasee,

1 and dependents, and other appropriate factors. If any inmate
2 placed on conditional release supervision is also subject to
3 probation or community control, resulting from a probationary
4 or community control split sentence within the overall term of
5 sentences, the Department of Corrections shall supervise such
6 person according to the conditions imposed by the court and
7 the commission shall defer to such supervision. If the court
8 revokes probation or community control and resentences the
9 offender to a term of incarceration, such revocation also
10 constitutes a sufficient basis for the revocation of the
11 conditional release supervision on any nonprobationary or
12 noncommunity-control sentence without further hearing by the
13 commission. If any such supervision on any nonprobationary or
14 noncommunity-control sentence is revoked, such revocation may
15 result in a forfeiture of all gain-time and the commission may
16 revoke the resulting deferred conditional release supervision
17 or take other action the commission considers appropriate. If
18 the term of conditional release supervision exceeds that of
19 the probation or community control, upon expiration of the
20 probation or community control, authority for the supervision
21 shall revert to the commission and the supervision shall be
22 subject to the conditions of the commission.~~If an inmate has~~
23 ~~received a term of probation or community control supervision~~
24 ~~to be served after release from incarceration, the period of~~
25 ~~probation or community control must be substituted for the~~
26 ~~conditional release supervision. A panel of no fewer than two~~
27 ~~commissioners shall establish the terms and conditions of any~~
28 ~~such release. If the offense was a controlled substance~~
29 ~~violation, the conditions shall include a requirement that the~~
30 ~~offender submit to random substance abuse testing~~
31 ~~intermittently throughout the term of conditional release~~

1 ~~supervision, upon the direction of the correctional probation~~
2 ~~officer as defined in s. 943.10(3). The commission shall also~~
3 ~~determine whether the terms and conditions of such release~~
4 ~~have been violated and whether such violation warrants~~
5 ~~revocation of the conditional release.~~

6 (3) Any inmate who:

7 (a) Has been convicted of committing, or attempting,
8 soliciting, or conspiring to commit, any of the following
9 offenses which occur on or after July 1, 2000:

- 10 1. Any sexual battery;
- 11 2. Lewd, lascivious, or indecent assault or act;
- 12 3. Carnal intercourse with a person under age 18;
- 13 4. Murder in the first, second, or third degree;
- 14 5. Manslaughter;
- 15 6. Vehicular homicide;
- 16 7. Kidnapping;
- 17 8. Aggravated child abuse;
- 18 9. False imprisonment;
- 19 10. Sexual performance by a child;
- 20 11. Selling or buying of a minor;
- 21 12. Stalking or aggravated stalking;
- 22 13. Incest;
- 23 14. Burglary or armed burglary of an occupied
24 dwelling, building, or conveyance when any person was
25 assaulted or battered or a sex act was attempted or completed;
- 26 15. Any battery or aggravated battery when a sex act
27 was attempted or completed;
- 28 16. Resisting a law enforcement officer with violence
29 to the officer's person;
- 30 17. Aggravated assault or aggravated battery on a law
31 enforcement officer;

1 18. Felonious threats or extortion;
2 19. DUI manslaughter;
3 20. Robbery;
4 21. Attempted murder of a law enforcement officer
5 engaged in duty;
6 22. Arson;
7 23. Carjacking;
8 24. Home invasion robbery;
9 25. Assault or battery upon a district school board
10 employee; or
11 26. Written threats to kill or do bodily injury;
12 (b) Is sentenced as a habitual or violent habitual
13 offender or a violent career criminal pursuant to s. 775.084
14 based on an offense committed on or after July 1, 2000; or
15 (c) Is found to be a sexual predator based on an
16 offense committed on or after July 1, 2000, under s. 775.21,
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18 upon reaching the tentative release date established by the
19 Department of Corrections, shall be released under conditional
20 release supervision subject to the terms and conditions
21 determined by the commission as provided in this subsection
22 and subsection (5). Such supervision shall be applicable to
23 all sentences within the overall term of sentences if an
24 inmate's overall term of sentences includes one or more
25 sentences that are eligible for conditional release
26 supervision as provided in this section. If any inmate placed
27 on conditional release supervision is also subject to
28 previously imposed felony probation or community control,
29 resulting from a probationary or community control split
30 sentence within the overall term of sentences, the Department
31 of Corrections shall supervise such person according to the

1 conditions imposed by the court and the commission shall defer
2 to such supervision. The commission is not required to defer
3 to probation or community control imposed subsequent to the
4 inmate being placed on conditional release supervision. If the
5 court revokes the previously imposed felony probation or
6 community control and resentences the offender to a term of
7 incarceration, such revocation also constitutes a sufficient
8 basis for the revocation of the conditional release
9 supervision on any nonprobationary or noncommunity-control
10 sentence without further hearing by the commission. If any
11 such supervision on any nonprobationary or
12 noncommunity-control sentence is revoked, such revocation may
13 result in a forfeiture of all gain-time and the commission may
14 revoke the resulting deferred conditional release supervision
15 or take other action the commission considers appropriate. If
16 the term of conditional release supervision exceeds that of
17 the probation or community control, upon expiration of the
18 probation or community control, authority for the supervision
19 shall revert to the commission and the supervision shall be
20 subject to the conditions of the commission.

21 (4) A panel of no fewer than two commissioners shall
22 establish the terms and conditions of any conditional release.
23 If the offense was a controlled substance violation, the
24 conditions shall include a requirement that the offender
25 submit to random substance abuse testing intermittently
26 throughout the term of conditional release supervision upon
27 the direction of the correctional probation officer as defined
28 in s. 943.10(3). The commission shall also determine whether
29 the terms and conditions of such release have been violated
30 and whether such violation warrants revocation of the
31 conditional release.

1 ~~(5)(3)~~ As part of the conditional release process, the
2 commission shall determine:

3 (a) The amount of reparation or restitution.

4 (b) The consequences of the offense as reported by the
5 aggrieved party.

6 (c) The aggrieved party's fear of the inmate or
7 concerns about the release of the inmate.

8 ~~(6)(4)~~ The commission shall provide to the aggrieved
9 party information regarding the manner in which notice of any
10 developments concerning the status of the inmate during the
11 term of conditional release may be requested.

12 ~~(7)(5)~~ Within 180 days prior to the tentative release
13 date or provisional release date, whichever is earlier, ~~a~~
14 ~~representative of the commission shall~~ conduct a review of
15 the inmate's record, which shall include a review of the
16 inmate's release plan, for the purpose of establishing the
17 terms and conditions of the conditional release. In addition
18 to a review of the inmate's record, the commission may review
19 such other information and input as the commission deems
20 necessary. The commission may impose any special condition
21 the commission considers warranted from the commission's
22 review, which may include electronic monitoring. If the
23 commission determines that the inmate is eligible for release
24 under this section, the commission shall enter an order
25 establishing the length of supervision and the conditions
26 attendant to such release. However, an inmate who has been
27 convicted of a violation of chapter 794 or found by the court
28 to be a sexual predator is subject to the maximum level of
29 supervision provided, with the mandatory conditions required
30 under subsection (9), and such supervision shall continue
31 through the end of the releasee's original court-imposed

1 sentence. The length of supervision must not exceed the
2 maximum penalty imposed by the court ~~interview the inmate.~~
3 ~~The commission representative shall review the inmate's~~
4 ~~program participation, disciplinary record, psychological and~~
5 ~~medical records, and any other information pertinent to the~~
6 ~~impending release. A commission representative shall conduct~~
7 ~~a personal interview with the inmate for the purpose of~~
8 ~~determining the details of the inmate's release plan,~~
9 ~~including the inmate's planned residence and employment. The~~
10 ~~results of the interview must be forwarded to the commission~~
11 ~~in writing.~~

12 (8)~~(6)~~ Upon receipt of notice as required under s.
13 947.175, the commission shall conduct a review of the inmate's
14 record for the purpose of establishing the terms and
15 conditions of the conditional release. The commission may
16 impose any special conditions it considers warranted from its
17 review of the record. If the commission determines that the
18 inmate is eligible for release under this section, the
19 commission shall enter an order establishing the length of
20 supervision and the conditions attendant thereto. However, an
21 inmate who has been convicted of a violation of chapter 794 or
22 found by the court to be a sexual predator is subject to the
23 maximum level of supervision provided, with the mandatory
24 conditions as required in subsection(9)~~(7)~~, and that
25 supervision shall continue through the end of the releasee's
26 original court-imposed sentence. The length of supervision
27 must not exceed the maximum penalty imposed by the court.

28 (9)~~(7)~~(a) Any inmate who is convicted of a crime
29 committed on or after October 1, 1995, or who has been
30 previously convicted of a crime committed on or after October
31 1, 1995, in violation of chapter 794, s. 800.04, s. 827.071,

1 or s. 847.0145, and is subject to conditional release
2 supervision, shall have, in addition to any other conditions
3 imposed, the following special conditions imposed by the
4 commission:

5 1. A mandatory curfew from 10 p.m. to 6 a.m. The court
6 may designate another 8-hour period if the offender's
7 employment precludes the above specified time, and such
8 alternative is recommended by the Department of Corrections.
9 If the court determines that imposing a curfew would endanger
10 the victim, the court may consider alternative sanctions.

11 2. If the victim was under the age of 18, a
12 prohibition on living within 1,000 feet of a school, day care
13 center, park, playground, or other place where children
14 regularly congregate.

15 3. Active participation in and successful completion
16 of a sex offender treatment program with therapists
17 specifically trained to treat sex offenders, at the releasee's
18 own expense. If a specially trained therapist is not available
19 within a 50-mile radius of the releasee's residence, the
20 offender shall participate in other appropriate therapy.

21 4. A prohibition on any contact with the victim,
22 directly or indirectly, including through a third person,
23 unless approved by the victim, the offender's therapist, and
24 the sentencing court.

25 5. If the victim was under the age of 18, a
26 prohibition, until successful completion of a sex offender
27 treatment program, on unsupervised contact with a child under
28 the age of 18, unless authorized by the commission without
29 another adult present who is responsible for the child's
30 welfare, has been advised of the crime, and is approved by the
31 commission.

1 6. If the victim was under age 18, a prohibition on
2 working for pay or as a volunteer at any school, day care
3 center, park, playground, or other place where children
4 regularly congregate, as prescribed by the commission.

5 7. Unless otherwise indicated in the treatment plan
6 provided by the sexual offender treatment program, a
7 prohibition on viewing, owning, or possessing any obscene,
8 pornographic, or sexually stimulating visual or auditory
9 material, including telephone, electronic media, computer
10 programs, or computer services that are relevant to the
11 offender's deviant behavior pattern.

12 8. A requirement that the releasee must submit two
13 specimens of blood to the Florida Department of Law
14 Enforcement to be registered with the DNA database.

15 9. A requirement that the releasee make restitution to
16 the victim, as determined by the sentencing court or the
17 commission, for all necessary medical and related professional
18 services relating to physical, psychiatric, and psychological
19 care.

20 10. Submission to a warrantless search by the
21 community control or probation officer of the probationer's or
22 community controllee's person, residence, or vehicle.

23 (b) For a releasee whose crime was committed on or
24 after October 1, 1997, in violation of chapter 794, s. 800.04,
25 s. 827.071, or s. 847.0145, and who is subject to conditional
26 release supervision, in addition to any other provision of
27 this subsection, the commission shall impose the following
28 additional conditions of conditional release supervision:

29 1. As part of a treatment program, participation in a
30 minimum of one annual polygraph examination to obtain
31 information necessary for risk management and treatment and to

1 reduce the sex offender's denial mechanisms. The polygraph
2 examination must be conducted by a polygrapher trained
3 specifically in the use of the polygraph for the monitoring of
4 sex offenders, where available, and at the expense of the sex
5 offender. The results of the polygraph examination shall not
6 be used as evidence in a hearing to prove that a violation of
7 supervision has occurred.

8 2. Maintenance of a driving log and a prohibition
9 against driving a motor vehicle alone without the prior
10 approval of the supervising officer.

11 3. A prohibition against obtaining or using a post
12 office box without the prior approval of the supervising
13 officer.

14 4. If there was sexual contact, a submission to, at
15 the probationer's or community controllee's expense, an HIV
16 test with the results to be released to the victim or the
17 victim's parent or guardian.

18 5. Electronic monitoring when deemed necessary by the
19 community control or probation officer and his or her
20 supervisor, and ordered by the court at the recommendation of
21 the Department of Corrections.

22 (10)~~(8)~~ It is the finding of the Legislature that the
23 population of offenders released from state prison into the
24 community who meet the conditional release criteria poses the
25 greatest threat to the public safety of the groups of
26 offenders under community supervision. Therefore, the
27 Department of Corrections is to provide intensive supervision
28 by experienced correctional probation officers to conditional
29 release offenders. Subject to specific appropriation by the
30 Legislature, caseloads may be restricted to a maximum of 40
31 conditional release offenders per officer to provide for

1 enhanced public safety and to effectively monitor conditions
2 of electronic monitoring or curfews, if so ordered by the
3 commission.

4 (11) The commission shall adopt rules pursuant to ss.
5 120.536(1) and 120.54 necessary to implement this section.

6 Section 5. Paragraph (b) of subsection (3) of section
7 775.21, Florida Statutes, is amended to read:

8 775.21 The Florida Sexual Predators Act; definitions;
9 legislative findings, purpose, and intent; criteria;
10 designation; registration; community and public notification;
11 immunity; penalties.--

12 (3) LEGISLATIVE FINDINGS AND PURPOSE; LEGISLATIVE
13 INTENT.--

14 (b) The high level of threat that a sexual predator
15 presents to the public safety, and the long-term effects
16 suffered by victims of sex offenses, provide the state with
17 sufficient justification to implement a strategy that
18 includes:

19 1. Incarcerating sexual predators and maintaining
20 adequate facilities to ensure that decisions to release sexual
21 predators into the community are not made on the basis of
22 inadequate space.

23 2. Providing for specialized supervision of sexual
24 predators who are in the community by specially trained
25 probation officers with low caseloads, as described in ss.
26 947.1405(9)~~(7)~~ and 948.03(5). The sexual predator is subject
27 to specified terms and conditions implemented at sentencing or
28 at the time of release from incarceration, with a requirement
29 that those who are financially able must pay all or part of
30 the costs of supervision.

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1 3. Requiring the registration of sexual predators,
2 with a requirement that complete and accurate information be
3 maintained and accessible for use by law enforcement
4 authorities, communities, and the public.

5 4. Providing for community and public notification
6 concerning the presence of sexual predators.

7 5. Prohibiting sexual predators from working with
8 children, either for compensation or as a volunteer.

9 Section 6. For the purpose of incorporating the
10 amendment to section 947.1405, Florida Statutes, in references
11 thereto, the following sections or subdivisions of Florida
12 Statutes, are reenacted to read:

13 775.084 Violent career criminals; habitual felony
14 offenders and habitual violent felony offenders; three-time
15 violent felony offenders; definitions; procedure; enhanced
16 penalties or mandatory minimum prison terms.--

17 (4)

18 (j) The provisions of s. 947.1405 shall apply to
19 persons sentenced as habitual felony offenders and persons
20 sentenced as habitual violent felony offenders.

21 921.001 Sentencing Commission and sentencing
22 guidelines generally.--

23 (10)(a) A person who is convicted of a crime committed
24 on or after October 1, 1983, but before January 1, 1994, may
25 be released from incarceration only:

26 1. Upon expiration of the person's sentence;

27 2. Upon expiration of the person's sentence as reduced
28 by accumulated gain-time;

29 3. As directed by an executive order granting
30 clemency;

31 4. Upon attaining the provisional release date;

- 1 5. Upon placement in a conditional release program
2 pursuant to s. 947.1405; or
- 3 6. Upon the granting of control release pursuant to s.
4 947.146.
- 5 (b) A person who is convicted of a crime committed on
6 or after January 1, 1994, may be released from incarceration
7 only:
- 8 1. Upon expiration of the person's sentence;
9 2. Upon expiration of the person's sentence as reduced
10 by accumulated meritorious or incentive gain-time;
- 11 3. As directed by an executive order granting
12 clemency;
- 13 4. Upon placement in a conditional release program
14 pursuant to s. 947.1405 or a conditional medical release
15 program pursuant to s. 947.149; or
- 16 5. Upon the granting of control release, including
17 emergency control release, pursuant to s. 947.146.
- 18 944.70 Conditions for release from incarceration.--
- 19 (1)(a) A person who is convicted of a crime committed
20 on or after October 1, 1983, but before January 1, 1994, may
21 be released from incarceration only:
- 22 1. Upon expiration of the person's sentence;
23 2. Upon expiration of the person's sentence as reduced
24 by accumulated gain-time;
- 25 3. As directed by an executive order granting
26 clemency;
- 27 4. Upon attaining the provisional release date;
- 28 5. Upon placement in a conditional release program
29 pursuant to s. 947.1405; or
- 30 6. Upon the granting of control release pursuant to s.
31 947.146.

1 (b) A person who is convicted of a crime committed on
2 or after January 1, 1994, may be released from incarceration
3 only:

- 4 1. Upon expiration of the person's sentence;
- 5 2. Upon expiration of the person's sentence as reduced
6 by accumulated meritorious or incentive gain-time;
- 7 3. As directed by an executive order granting
8 clemency;
- 9 4. Upon placement in a conditional release program
10 pursuant to s. 947.1405 or a conditional medical release
11 program pursuant to s. 947.149; or
- 12 5. Upon the granting of control release, including
13 emergency control release, pursuant to s. 947.146.

14 947.13 Powers and duties of commission.--

15 (1) The commission shall have the powers and perform
16 the duties of:

17 (f) Establishing the terms and conditions of persons
18 released on conditional release under s. 947.1405, and
19 determining subsequent ineligibility for conditional release
20 due to a violation of the terms or conditions of conditional
21 release and taking action with respect to such a violation.

22 947.141 Violations of conditional release, control
23 release, or conditional medical release.--

24 (1) If a member of the commission or a duly authorized
25 representative of the commission has reasonable grounds to
26 believe that an offender who is on release supervision under
27 s. 947.1405, s. 947.146, or s. 947.149 has violated the terms
28 and conditions of the release in a material respect, such
29 member or representative may cause a warrant to be issued for
30 the arrest of the releasee; if the offender was found to be a
31 sexual predator, the warrant must be issued.

1 (2) Upon the arrest on a felony charge of an offender
2 who is on release supervision under s. 947.1405, s. 947.146,
3 or s. 947.149, the offender must be detained without bond
4 until the initial appearance of the offender at which a
5 judicial determination of probable cause is made. If the
6 magistrate determines that there was no probable cause for the
7 arrest, the offender may be released. If the magistrate
8 determines that there was probable cause for the arrest, such
9 determination also constitutes reasonable grounds to believe
10 that the offender violated the conditions of the release.
11 Within 24 hours after the magistrate's finding of probable
12 cause, the detention facility administrator or designee shall
13 notify the commission and the department of the finding and
14 transmit to each a facsimile copy of the probable cause
15 affidavit or the sworn offense report upon which the
16 magistrate's probable cause determination is based. The
17 offender must continue to be detained without bond for a
18 period not exceeding 72 hours excluding weekends and holidays
19 after the date of the probable cause determination, pending a
20 decision by the commission whether to issue a warrant charging
21 the offender with violation of the conditions of release. Upon
22 the issuance of the commission's warrant, the offender must
23 continue to be held in custody pending a revocation hearing
24 held in accordance with this section.

25 Section 7. This act shall take effect July 1, 2000.
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HOUSE SUMMARY

Creates the "Supervision of Violent Offenders Act of 2000." Increases the number of commissioners on the Parole Commission. Revises provisions of the conditional release program relating to eligibility, terms, and conditions of conditional release supervision for specified offenses or habitual or violent felony offenders or violent career criminals, applicability of such supervision, supervision by the Department of Corrections or the commission, revocation of conditional release supervision, forfeiture of gain-time, random substance abuse testing under conditional release supervision, and the commission's powers and duties. See bill for details.