

By Senator Jones

40-1233-00

1 A bill to be entitled
2 An act relating to the parole of certain
3 offenders; providing for nonviolent offenders
4 convicted of possessing a controlled substance
5 to be released on parole; prohibiting the
6 release of a prisoner convicted as a violent
7 career criminal, a habitual violent felony
8 offender, or a habitual criminal offender;
9 providing that a person convicted of the sale,
10 manufacture, or transportation of a controlled
11 substance is not eligible for parole; requiring
12 that the Secretary of Corrections notify the
13 Parole Commission of the prisoners who are
14 eligible for parole under the act; requiring
15 that paroled prisoners participate in
16 drug-treatment programs; authorizing the court
17 to impose certain sanctions against any paroled
18 prisoner who violates the terms and conditions
19 of parole or who is convicted a second time of
20 possessing a controlled substance; providing
21 for the revocation of the parole of any paroled
22 prisoner convicted a third or subsequent time
23 of possessing a controlled substance; requiring
24 that the Legislature redirect any savings
25 realized by the release of nonviolent drug
26 offenders to fund drug-treatment programs and
27 programs that involve parents in preventing
28 drug abuse by their children; providing an
29 effective date.

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

1 Section 1. (1) Notwithstanding any other law to the
2 contrary and except as otherwise provided in this section, if
3 a prisoner has been convicted of possessing a controlled
4 substance and is not concurrently serving another sentence,
5 that prisoner is eligible for parole.

6 (2) A prisoner is not eligible for parole under this
7 section if the prisoner has previously been:

8 (a) Convicted as a violent career criminal, as defined
9 in section 775.084, Florida Statutes;

10 (b) Convicted as a habitual violent felony offender,
11 as defined in section 775.084, Florida Statutes; or

12 (c) Convicted, sentenced, or subject to sentencing as
13 a habitual criminal offender in any other jurisdiction within
14 the United States.

15 (3) As used in this section, the term "possessing a
16 controlled substance" does not include the sale of a
17 controlled substance or producing, manufacturing, or
18 transporting a controlled substance for sale.

19 (4) By October 1, 2000, the Secretary of Corrections
20 shall submit to the Parole Commission the name of each
21 prisoner who is eligible for parole under this section.

22 (5) Notwithstanding any other law to the contrary,
23 each prisoner who is eligible for parole under this section
24 shall be released on parole if the Parole Commission
25 determines that the prisoner is not a danger to the public.

26 (6) As a condition of parole, each prisoner released
27 under this section must participate in an appropriate
28 drug-treatment program or education program administered by a
29 qualified agency or organization that provides treatment for
30 persons who abuse controlled substances. The prisoner released
31 under this section must pay the cost of the drug-treatment

1 program or education program to the best of his or her
2 financial ability.

3 (7) A prisoner released under this section shall
4 remain on parole until the Parole Commission revokes the
5 person's parole, grants the person a full discharge from
6 parole supervision, or discharges the person from parole
7 supervision due to attainment of his or her release date.

8 (8)(a) If the court finds that a prisoner paroled
9 under this section is in violation of the terms and conditions
10 of his or her parole or if the prisoner is convicted a second
11 time of possessing a controlled substance, the court may order
12 additional conditions of parole, including intensified drug
13 treatment, community service, intensive probation, house
14 arrest, or any other sanction that does not include
15 incarceration.

16 (b) If a prisoner paroled under this section is
17 convicted a third or subsequent time of possessing a
18 controlled substance, the court shall revoke the prisoner's
19 probation and sentence the paroled prisoner to a term of
20 incarceration in accordance with section 893.13, Florida
21 Statutes.

22 Section 2. Any funds saved by eliminating prison
23 sentences for nonviolent persons convicted of possessing
24 controlled substances shall be redirected by the Legislature
25 for use in establishing drug-treatment and education programs
26 and for programs that increase the involvement of parents in
27 preventing drug use by their children.

28 Section 3. This act shall take effect October 1, 2000.
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SENATE SUMMARY

Provides for nonviolent offenders who are serving prison terms for possessing controlled substances to be released on parole. Prohibits the parole of a person convicted of the sale, manufacture, or transportation of a controlled substance. Requires that a prisoner paroled under the act participate in a drug-treatment program. Provides for additional sanctions if a prisoner paroled under the act violates the terms and conditions of parole or is convicted a second time of possessing a controlled substance. Provides for revoking the parole of any paroled prisoner convicted a third or subsequent time of possessing a controlled substance. Requires that any savings realized by releasing nonviolent drug offenders on parole be used to fund drug-treatment and prevention programs.