

By the Committee on Criminal Justice and Senator Constantine

307-1780-01

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A bill to be entitled

An act relating to transportation of prisoners;  
amending s. 944.17, F.S.; changing references  
from "sheriff" to "chief correctional officer";  
providing an effective date.

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

Section 1. Subsections (5), (6), and (8) of section  
944.17, Florida Statutes, are amended to read:

944.17 Commitments and classification; transfers.--

(5) The department shall also refuse to accept a  
person into the state correctional system unless the following  
documents are presented in a completed form by the ~~sheriff or~~  
chief correctional officer, or a designated representative, to  
the officer in charge of the reception process:

(a) The uniform commitment and judgment and sentence  
forms as described in subsection (4).

(b) The ~~sheriff's~~ certificate as described in s.  
921.161.

(c) A certified copy of the indictment or information  
relating to the offense for which the person was convicted.

(d) A copy of the probable cause affidavit for each  
offense identified in the current indictment or information.

(e) A copy of the Criminal Punishment Code scoresheet  
and any attachments thereto prepared pursuant to Rule 3.701,  
Rule 3.702, or Rule 3.703, Florida Rules of Criminal  
Procedure, or any other rule pertaining to the preparation of  
felony sentencing scoresheets.

1 (f) A copy of the restitution order or the reasons by  
2 the court for not requiring restitution pursuant to s.  
3 775.089(1).

4 (g) The name and address of any victim, if available.

5 (h) A printout of a current criminal history record as  
6 provided through an FCIC/NCIC printer.

7 (i) Any available health assessments including  
8 medical, mental health, and dental, including laboratory or  
9 test findings; custody classification; disciplinary and  
10 adjustment; and substance abuse assessment and treatment  
11 information which may have been developed during the period of  
12 incarceration prior to the transfer of the person to the  
13 department's custody. Available information shall be  
14 transmitted on standard forms developed by the department.

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16 In addition, the person ~~sheriff or other officer~~ having such  
17 person in charge shall also deliver with the foregoing  
18 documents any available presentence investigation reports as  
19 described in s. 921.231 and any attached documents. After a  
20 prisoner is admitted into the state correctional system, the  
21 department may request such additional records relating to the  
22 prisoner as it considers necessary from the clerk of the  
23 court, the Department of Children and Family Services, or any  
24 other state or county agency for the purpose of determining  
25 the prisoner's proper custody classification, gain-time  
26 eligibility, or eligibility for early release programs. An  
27 agency that receives such a request from the department must  
28 provide the information requested.

29 (6) If a person is sentenced by a circuit court to  
30 serve a term of imprisonment concurrently with a term being  
31 served in another jurisdiction, the ~~sheriff or~~ chief

1 correctional officer shall notify the department of the  
2 location at which such person is serving such term of  
3 imprisonment and shall forward to the department the documents  
4 described in subsection (5).

5 (8) If a state prisoner's presence is required in  
6 court for any reason after the ~~sheriff or~~ chief correctional  
7 officer has relinquished custody to the department, the court  
8 shall issue an order for that person ~~the sheriff or chief~~  
9 ~~correctional officer~~ to assume temporary custody and transport  
10 the prisoner to the county jail pending the court appearance.  
11 The ~~sheriff or~~ chief correctional officer, or a designated  
12 representative, shall present a copy of the order to  
13 appropriate officers at the facility housing the prisoner  
14 prior to assuming temporary custody of the prisoner. Neither  
15 the court nor any other person ~~the sheriff or chief~~  
16 ~~correctional officer~~ may release such prisoner without first  
17 obtaining confirmation from the department that the prisoner  
18 has no commitments from other jurisdictions or outstanding  
19 detainers. It is the responsibility of the clerk of the  
20 circuit court to provide the department's central office with  
21 certified copies of each court action that affects a state  
22 commitment.

23 Section 2. This act shall take effect July 1, 2001.

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25 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
26 COMMITTEE SUBSTITUTE FOR  
27 Senate Bill 1518

28 Deletes references to "sheriff" as the person primarily  
29 responsible for assembling documents pertinent to those  
30 prisoners being transported between the local detention system  
31 to the prison system. The statute would hereafter specify the  
"chief correctional officer," who may well be the sheriff, if  
so designated by the county.