

Amendment No. 01 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

The Committee on Crime Prevention, Corrections & Safety offered the following:

Amendment (with title amendment)

On page 2, line 6, remove from the bill: everything after the enacting clause and insert in lieu thereof:

Section 1. This act may be cited as the "Parole Commission Reform Act of 2001."

Section 2. Paragraph (a) of subsection (1) of section 20.055, Florida Statutes, is amended to read:

20.055 Agency inspectors general.--

(1) For the purposes of this section:

(a) "State agency" means each department created pursuant to this chapter, and also includes the Executive Office of the Governor, the Department of Military Affairs, ~~the Parole Commission,~~ the Board of Regents, the Fish and Wildlife Conservation Commission, the Public Service Commission, and the state courts system.

Section 3. Subsections (1) and (3) of section 944.605,

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1 Florida Statutes, are amended, and subsections (5) and (6) are
2 added to said section, to read:

3 944.605 Inmate release; notification.--
4 (1) Within 6 months before the release of an inmate
5 from the custody of the Department of Corrections or a private
6 correctional facility by expiration of sentence under s.
7 944.275, any release program provided by law, or parole under
8 chapter 947, or as soon as possible if the offender is
9 released earlier than anticipated, notification of such
10 anticipated release date shall be made known by the Department
11 of Corrections ~~appropriate agency~~ to the chief judge of the
12 circuit in which the offender was sentenced, the appropriate
13 state attorney, the original arresting law enforcement agency,
14 the Department of Law Enforcement, and the sheriff as chief
15 law enforcement officer of the county in which the inmate
16 plans to reside. In addition, unless otherwise requested by
17 the victim or the personal representative of the victim, the
18 state attorney or, the Department of Corrections, ~~the Control~~
19 ~~Release Authority, or the Parole Commission, whichever is~~
20 appropriate, shall notify such person within 6 months before
21 the inmate's release, or as soon as possible if the offender
22 is released earlier than anticipated, when the name and
23 address of such victim or representative of the victim has
24 been furnished to the agency. The state attorney shall
25 provide the latest address documented for the victim to the
26 sheriff with the other documents required by law for the
27 delivery of inmates to those agencies for service of sentence.
28 ~~For the purposes of this section, the Parole Commission or the~~
29 ~~Control Release Authority is the appropriate agency for any~~
30 ~~type of release it grants, and the Department of Corrections~~
31 ~~is the appropriate agency for any type of release it~~

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1 ~~authorizes.~~ This section does not imply any repeal or
2 modification of any provision of law relating to notification
3 of victims.

4 (3) If an inmate is to be released after having served
5 one or more sentences for a conviction of robbery, sexual
6 battery, home-invasion robbery, or carjacking, or an inmate to
7 be released has a prior conviction for robbery, sexual
8 battery, home-invasion robbery, or carjacking or similar
9 offense, in this state or in another jurisdiction, and if such
10 prior conviction information is contained in department
11 records, the department ~~appropriate releasing agency~~ shall
12 release to the sheriff of the county in which the inmate plans
13 to reside, and, if the inmate plans to reside within a
14 municipality, to the chief of police of that municipality, the
15 following information, which must include, but need not be
16 limited to:

- 17 (a) Name;
18 (b) Social security number;
19 (c) Date of birth;
20 (d) Race;
21 (e) Sex;
22 (f) Height;
23 (g) Weight;
24 (h) Hair and eye color;
25 (i) Tattoos or other identifying marks;
26 (j) Fingerprints; and
27 (k) A digitized photograph as provided in subsection

28 (2).

29
30 ~~The department, the Parole Commission, or the Control Release~~
31 ~~Authority~~ shall release the information specified in this

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1 subsection within 6 months prior to the discharge of the
2 inmate from the custody of the department.

3 (5) The department shall, at least 10 days before the
4 anticipated date of release on work release of an inmate,
5 notify in writing the county law enforcement agency in the
6 county in this state in which the inmate is scheduled to be
7 released.

8 (6) Upon request of the victim, or the personal
9 representative of the victim, or the state attorney, the
10 department shall notify the requesting person, when an inmate
11 has been approved for community work release within 30 days of
12 the date of approval.

13 Section 4. Subsection (4) of section 947.04, Florida
14 Statutes, is amended to read:

15 947.04 Organization of commission; officers;
16 offices.--

17 (4) The commission may establish and maintain field
18 offices within existing administration buildings at facilities
19 and institutions operated by the department ~~in centrally and~~
20 ~~conveniently located places in Florida.~~ Headquarters shall be
21 located in Tallahassee. The business of the commission shall
22 be transacted anywhere in the state as provided in s. 947.06.
23 The commission shall keep its official records and papers at
24 the headquarters, which it shall furnish and equip.

25 Section 5. Paragraph (c) of subsection (2), and (3),
26 (5), (6), and (7) of section 947.1405, Florida Statutes, are
27 amended and subsection (9) is added to said section to read:

28 947.1405 Conditional release program.--

29 (2) Any inmate who:

30 (c) Is found to be a sexual predator under s. 775.21
31 or former s. 775.23,

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2 shall, upon reaching the tentative release date or provisional
3 release date, whichever is earlier, as established by the
4 Department of Corrections, be released under supervision
5 subject to specified terms and conditions, including payment
6 of the cost of supervision pursuant to s. 948.09. Such
7 supervision shall be applicable to all sentences within the
8 overall term of sentences if an inmate's overall term of
9 sentences includes one or more sentences that are eligible for
10 conditional release supervision as provided herein. Effective
11 July 1, 1994, and applicable for offenses committed on or
12 after that date, the commission may require, as a condition of
13 conditional release, that the releasee make payment of the
14 debt due and owing to a county or municipal detention facility
15 under s. 951.032 for medical care, treatment, hospitalization,
16 or transportation received by the releasee while in that
17 detention facility. The commission, in determining whether to
18 order such repayment and the amount of such repayment, shall
19 consider the amount of the debt, whether there was any fault
20 of the institution for the medical expenses incurred, the
21 financial resources of the releasee, the present and potential
22 future financial needs and earning ability of the releasee,
23 and dependents, and other appropriate factors. If any inmate
24 placed on conditional release supervision is also subject to
25 probation or community control, resulting from a probationary
26 or community control split sentence within the overall term of
27 sentences, the Department of Corrections shall supervise such
28 person according to the conditions imposed by the court, and
29 the Commission shall defer to such supervision. If the court
30 revokes probation or community control, and resentences the
31 offender to a term of incarceration, such revocation also

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1 constitutes a sufficient basis for the revocation of the
2 conditional release supervision on any nonprobationary or
3 noncommunity control sentence, without further hearing by the
4 Commission. If any such supervision on any nonprobationary or
5 noncommunity control sentence is revoked, such revocation may
6 result in a forfeiture of all gain-time, and the Commission
7 may revoke the resulting deferred conditional release
8 supervision or take other action it considers appropriate. If
9 the term of conditional release supervision exceeds that of
10 the probation or community control, then upon expiration of
11 the probation or community control, authority for the
12 supervision shall revert to the Commission, and the
13 supervision shall be subject to the conditions of the
14 Commission. If an inmate has received a term of probation or
15 community control supervision to be served after release from
16 incarceration, the period of probation or community control
17 must be substituted for the conditional release supervision.
18 A panel of no fewer than two commissioners shall establish the
19 terms and conditions of any such release. If the offense was a
20 controlled substance violation, the conditions shall include a
21 requirement that the offender submit to random substance abuse
22 testing intermittently throughout the term of conditional
23 release supervision, upon the direction of the correctional
24 probation officer as defined in s. 943.10(3). The commission
25 shall also determine whether the terms and conditions of such
26 release have been violated and whether such violation warrants
27 revocation of the conditional release. (3) As part of the
28 conditional release process, the commission, through review
29 and consideration of information provided by the department,
30 shall determine:

31 (a) The amount of reparation or restitution.

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1 (b) The consequences of the offense as reported by the
2 aggrieved party.

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

5 (5) Within 180 days prior to the tentative release
6 date or provisional release date, whichever is earlier, a
7 representative of the department ~~commission shall interview~~
8 ~~the inmate. The commission representative~~ shall review the
9 inmate's program participation, disciplinary record,
10 psychological and medical records, criminal records, and any
11 other information pertinent to the impending release. The
12 department shall gather and compile information necessary for
13 the commission to make the determinations set forth in
14 subsection (3). A department ~~commission~~ representative shall
15 conduct a personal interview with the inmate for the purpose
16 of determining the details of the inmate's release plan,
17 including the inmate's planned residence and employment. The
18 department representative shall forward the inmate's release
19 plan to the commission and recommend to the commission the
20 terms and conditions of the conditional release. ~~The results~~
21 ~~of the interview must be forwarded to the commission in~~
22 ~~writing.~~

23 (6) ~~The~~ Upon receipt of notice as required under s.
24 ~~947.175,~~ the commission shall review the recommendations of
25 the department and such other information as it deems
26 relevant, and may conduct a review of the inmate's record for
27 the purpose of establishing the terms and conditions of the
28 conditional release. The commission may impose any special
29 conditions it considers warranted from its review of the
30 release plan and recommendation ~~record~~. If the commission
31 determines that the inmate is eligible for release under this

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1 section, the commission shall enter an order establishing the
2 length of supervision and the conditions attendant thereto.
3 However, an inmate who has been convicted of a violation of
4 chapter 794 or found by the court to be a sexual predator is
5 subject to the maximum level of supervision provided, with the
6 mandatory conditions as required in subsection (7), and that
7 supervision shall continue through the end of the releasee's
8 original court-imposed sentence. The length of supervision
9 must not exceed the maximum penalty imposed by the court.

10 (7)(a) Any inmate who is convicted of a crime
11 committed on or after October 1, 1995, or who has been
12 previously convicted of a crime committed on or after October
13 1, 1995, in violation of chapter 794, s. 800.04, s. 827.071,
14 or s. 847.0145, and is subject to conditional release
15 supervision, shall have, in addition to any other conditions
16 imposed, the following special conditions imposed by the
17 commission:

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

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

29 3. Active participation in and successful completion
30 of a sex offender treatment program with therapists
31 specifically trained to treat sex offenders, at the releasee's

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1 own expense. If a specially trained therapist is not available
2 within a 50-mile radius of the releasee's residence, the
3 offender shall participate in other appropriate therapy.

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

8 5. If the victim was under the age of 18, a
9 prohibition against direct contact or association with
10 children under the age of 18 until all of the following
11 conditions are met: 1) successful completion of a sex offender
12 treatment program; 2) the adult person who is legally
13 responsible for the welfare of the child has been advised of
14 the nature of the crime; 3) such adult person is present
15 during all contact or association with the child; and 4) such
16 adult person has been approved by the Commission.~~If the~~
17 ~~victim was under the age of 18, a prohibition, until~~
18 ~~successful completion of a sex offender treatment program, on~~
19 ~~unsupervised contact with a child under the age of 18, unless~~
20 ~~authorized by the commission without another adult present who~~
21 ~~is responsible for the child's welfare, has been advised of~~
22 ~~the crime, and is approved by the commission.~~

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

27 7. Unless otherwise indicated in the treatment plan
28 provided by the sexual offender treatment program, a
29 prohibition on viewing, owning, or possessing any obscene,
30 pornographic, or sexually stimulating visual or auditory
31 material, including telephone, electronic media, computer

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1 programs, or computer services that are relevant to the
2 offender's deviant behavior pattern.

3 8. A requirement that the releasee must submit two
4 specimens of blood to the Florida Department of Law
5 Enforcement to be registered with the DNA database.

6 9. A requirement that the releasee make restitution to
7 the victim, as determined by the sentencing court or the
8 commission, for all necessary medical and related professional
9 services relating to physical, psychiatric, and psychological
10 care.

11 10. Submission to a warrantless search by the
12 community control or probation officer of the probationer's or
13 community controllee's person, residence, or vehicle.

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

20 1. As part of a treatment program, participation in a
21 minimum of one annual polygraph examination to obtain
22 information necessary for risk management and treatment and to
23 reduce the sex offender's denial mechanisms. The polygraph
24 examination must be conducted by a polygrapher trained
25 specifically in the use of the polygraph for the monitoring of
26 sex offenders, where available, and at the expense of the sex
27 offender. The results of the polygraph examination shall not
28 be used as evidence in a hearing to prove that a violation of
29 supervision has occurred.

30 2. Maintenance of a driving log and a prohibition
31 against driving a motor vehicle alone without the prior

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1 approval of the supervising officer.

2 3. A prohibition against obtaining or using a post
3 office box without the prior approval of the supervising
4 officer.

5 4. If there was sexual contact, a submission to, at
6 the probationer's or community controllee's expense, an HIV
7 test with the results to be released to the victim or the
8 victim's parent or guardian.

9 5. Electronic monitoring of any form when deemed
10 ~~necessary by the community control or probation officer and~~
11 ~~his or her supervisor, and ordered by the commission court at~~
12 ~~the recommendation of the Department of Corrections.~~

13 (9) The Commission shall adopt rules pursuant to ss.
14 120.536(1) and 120.54 necessary for implementing provisions of
15 the Conditional Release Program Act.

16 Section 6. Subsection (2) of section 947.24, Florida
17 Statutes, is amended to read:

18 947.24 Discharge from parole supervision or release
19 supervision.--

20 (2) The commission shall review the progress of each
21 person who has been placed on parole, control release, or
22 conditional release after 2 years of supervision in the
23 community and biennially thereafter. The department shall
24 provide to the commission the information necessary to conduct
25 such a review.Such review must include consideration of
26 whether to modify the reporting schedule, thereby authorizing
27 the person under parole supervision or release supervision to
28 submit reports quarterly, semiannually, or annually. The
29 commission, after having retained jurisdiction of a person for
30 a sufficient length of time to evidence satisfactory
31 rehabilitation and cooperation, may further modify the terms

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1 and conditions of the person's parole, control release, or
2 conditional release, may discharge the person from parole
3 supervision or release supervision, may relieve the person
4 from making further reports, or may permit the person to leave
5 the state or country, upon finding that such action is in the
6 best interests of the person and society.

7 Section 7. Sections 947.175 and 947.177, Florida
8 Statutes, are repealed.

9 Section 8. As a result of the reduction of
10 responsibilities of the Parole Commission made by this act,
11 the number of existing full-time positions within the
12 commission shall be reduced by 40 positions.

13 Section 9. This act shall take effect July 1, 2001.

14
15

16 ===== T I T L E A M E N D M E N T =====

17 And the title is amended as follows:

18 On page 1, line 2,
19 remove from the title of the bill: entire title

20

21 and insert in lieu thereof:

22 An act relating to the Parole Commission;
23 creating the "Parole Commission Reform Act of
24 2001"; amending s. 20.055, F.S.; deleting the
25 requirement that the Parole Commission have an
26 inspector general; amending s. 944.605, F.S.;
27 requiring the Department of Corrections, rather
28 than the Parole Commission or the Control
29 Release Authority, to notify certain entities
30 prior to inmate release; amending s. 947.04,
31 F.S.; permitting Parole Commission staff to

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1 establish and maintain field offices within
2 existing department facilities; amending s.
3 947.1405, F.S.; requiring the Department of
4 Corrections to review an inmate's program
5 participation and other records prior to
6 conditional release, to conduct a personal
7 interview with the inmate, to forward the
8 inmate's release plan to the Parole Commission,
9 and to make recommendations to the commission;
10 authorizing the commission to impose
11 requirements relating to curfews; correcting
12 references; clarifying the requirement that the
13 Commission impose restrictions relating to
14 contact with children; authorizing the
15 commission to require electronic monitoring for
16 certain releasees; providing for deferral of
17 conditional release supervision to probation or
18 community control; providing for automatic
19 revocation of conditional release supervision
20 and forfeiture of gain-time under certain
21 circumstances; providing for reversion to
22 conditional release supervision under certain
23 conditions; authorizing the Parole Commission
24 to promulgate rules necessary to implement the
25 Conditional Release Program Act; amending s.
26 947.24, F.S.; requiring the department to
27 provide to the commission information for
28 parole or release reviews; repealing s.
29 947.175, F.S., relating to notice to local
30 agencies by the Parole Commission; repealing s.
31 947.177, F.S., relating to inmate release,

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notice by Department of Corrections, Control
Release Authority, or Parole Commission;
reducing the number of existing full-time
positions within the commission; providing an
effective date.