

By Representative Brummer

1 A bill to be entitled
2 An act relating to the Parole Commission;
3 creating the "Parole Commission Reform Act of
4 2001"; amending s. 20.055, F.S.; deleting the
5 requirement that the Parole Commission have an
6 inspector general; amending s. 944.605, F.S.;
7 requiring the Department of Corrections, rather
8 than the Parole Commission or the Control
9 Release Authority, to notify certain entities
10 prior to inmate release; amending s. 947.04,
11 F.S.; permitting Parole Commission staff to
12 establish and maintain offices within existing
13 department facilities; amending s. 947.1405,
14 F.S.; requiring the Department of Corrections
15 to review an inmate's program participation and
16 other records prior to conditional release, to
17 conduct a personal interview with the inmate,
18 to forward the inmate's release plan to the
19 Parole Commission, and to make recommendations
20 to the commission; authorizing the commission
21 to impose requirements relating to curfews;
22 correcting references; authorizing the
23 commission to require electronic monitoring for
24 certain releasees; amending s. 947.24, F.S.;
25 requiring the department to provide to the
26 commission information for parole or release
27 reviews; repealing s. 947.175, F.S., relating
28 to notice to local agencies by the Parole
29 Commission; repealing s. 947.177, F.S.,
30 relating to inmate release, notice by
31 Department of Corrections, Control Release

1 Authority, or Parole Commission; reducing the
2 number of existing full-time positions within
3 the commission; providing an effective date.
4

5 Be It Enacted by the Legislature of the State of Florida:
6

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

9 Section 2. Paragraph (a) of subsection (1) of section
10 20.055, Florida Statutes, is amended to read:

11 20.055 Agency inspectors general.--

12 (1) For the purposes of this section:

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

19 Section 3. Subsections (1) and (3) of section 944.605,
20 Florida Statutes, are amended, and subsections (5) and (6) are
21 added to said section, to read:

22 944.605 Inmate release; notification.--

23 (1) Within 6 months before the release of an inmate
24 from the custody of the Department of Corrections or a private
25 correctional facility by expiration of sentence under s.
26 944.275, any release program provided by law, or parole under
27 chapter 947, or as soon as possible if the offender is
28 released earlier than anticipated, notification of such
29 anticipated release date shall be made known by the Department
30 of Corrections ~~appropriate agency~~ to the chief judge of the
31 circuit in which the offender was sentenced, the appropriate

1 state attorney, the original arresting law enforcement agency,
2 the Department of Law Enforcement, and the sheriff as chief
3 law enforcement officer of the county in which the inmate
4 plans to reside. In addition, unless otherwise requested by
5 the victim or the personal representative of the victim, the
6 state attorney or, the Department of Corrections, the ~~Control~~
7 ~~Release Authority, or the Parole Commission,~~ whichever is
8 appropriate, shall notify such person within 6 months before
9 the inmate's release, or as soon as possible if the offender
10 is released earlier than anticipated, when the name and
11 address of such victim or representative of the victim has
12 been furnished to the agency. The state attorney shall
13 provide the latest address documented for the victim to the
14 sheriff with the other documents required by law for the
15 delivery of inmates to those agencies for service of sentence.
16 ~~For the purposes of this section, the Parole Commission or the~~
17 ~~Control Release Authority is the appropriate agency for any~~
18 ~~type of release it grants, and the Department of Corrections~~
19 ~~is the appropriate agency for any type of release it~~
20 ~~authorizes.~~ This section does not imply any repeal or
21 modification of any provision of law relating to notification
22 of victims.

23 (3) If an inmate is to be released after having served
24 one or more sentences for a conviction of robbery, sexual
25 battery, home-invasion robbery, or carjacking, or an inmate to
26 be released has a prior conviction for robbery, sexual
27 battery, home-invasion robbery, or carjacking or similar
28 offense, in this state or in another jurisdiction, and if such
29 prior conviction information is contained in department
30 records, the department ~~appropriate releasing agency~~ shall
31 release to the sheriff of the county in which the inmate plans

1 to reside, and, if the inmate plans to reside within a
2 municipality, to the chief of police of that municipality, the
3 following information, which must include, but need not be
4 limited to:

- 5 (a) Name;
- 6 (b) Social security number;
- 7 (c) Date of birth;
- 8 (d) Race;
- 9 (e) Sex;
- 10 (f) Height;
- 11 (g) Weight;
- 12 (h) Hair and eye color;
- 13 (i) Tattoos or other identifying marks;
- 14 (j) Fingerprints; and
- 15 (k) A digitized photograph as provided in subsection
16 (2).

17
18 ~~The department, the Parole Commission, or the Control Release~~
19 ~~Authority~~ shall release the information specified in this
20 subsection within 6 months prior to the discharge of the
21 inmate from the custody of the department.

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

26 (6) Upon request, the department shall, within 30
27 days, notify the state attorney, the victim, or the personal
28 representative of the victim when an inmate is approved for
29 community work release.

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

1 947.04 Organization of commission; officers;
2 offices.--

3 (4) The commission may establish and maintain offices
4 within existing administration buildings at facilities and
5 institutions operated by the department ~~in centrally and~~
6 ~~conveniently located places in Florida.~~ Headquarters shall be
7 located in Tallahassee. The business of the commission shall
8 be transacted anywhere in the state as provided in s. 947.06.
9 The commission shall keep its official records and papers at
10 the headquarters, which it shall furnish and equip.

11 Section 5. Subsections (3), (5), (6), and (7) of
12 section 947.1405, Florida Statutes, are amended to read:

13 947.1405 Conditional release program.--

14 (3) As part of the conditional release process, the
15 commission, through review and consideration of information
16 provided by the department, shall determine:

17 (a) The amount of reparation or restitution.

18 (b) The consequences of the offense as reported by the
19 aggrieved party.

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

22 (5) Within 180 days prior to the tentative release
23 date or provisional release date, whichever is earlier, a
24 representative of the department ~~commission shall interview~~
25 ~~the inmate.~~ The ~~commission representative~~ shall review the
26 inmate's program participation, disciplinary record,
27 psychological and medical records, criminal records, and any
28 other information pertinent to the impending release. A
29 department ~~commission~~ representative shall conduct a personal
30 interview with the inmate for the purpose of determining the
31 details of the inmate's release plan, including the inmate's

1 planned residence and employment. The department
2 representative shall forward the inmate's release plan to the
3 commission and recommend to the commission the terms and
4 conditions of the conditional release.~~The results of the~~
5 ~~interview must be forwarded to the commission in writing.~~

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

23 (7)(a) Any inmate who is convicted of a crime
24 committed on or after October 1, 1995, or who has been
25 previously convicted of a crime committed on or after October
26 1, 1995, in violation of chapter 794, s. 800.04, s. 827.071,
27 or s. 847.0145, and is subject to conditional release
28 supervision, shall have, in addition to any other conditions
29 imposed, the following special conditions imposed by the
30 commission:
31

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

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

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

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

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

29 6. If the victim was under age 18, a prohibition on
30 working for pay or as a volunteer at any school, day care
31

1 center, park, playground, or other place where children
2 regularly congregate, as prescribed by the commission.

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

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

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

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

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

27 1. As part of a treatment program, participation in a
28 minimum of one annual polygraph examination to obtain
29 information necessary for risk management and treatment and to
30 reduce the sex offender's denial mechanisms. The polygraph
31 examination must be conducted by a polygrapher trained

1 specifically in the use of the polygraph for the monitoring of
2 sex offenders, where available, and at the expense of the sex
3 offender. The results of the polygraph examination shall not
4 be used as evidence in a hearing to prove that a violation of
5 supervision has occurred.

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

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

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

16 5. Electronic monitoring of any form when ~~deemed~~
17 ~~necessary by the community control or probation officer and~~
18 ~~his or her supervisor, and ordered by the commission court at~~
19 ~~the recommendation of the Department of Corrections.~~

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

22 947.24 Discharge from parole supervision or release
23 supervision.--

24 (2) The commission shall review the progress of each
25 person who has been placed on parole, control release, or
26 conditional release after 2 years of supervision in the
27 community and biennially thereafter. The department shall
28 provide to the commission the information necessary to conduct
29 such a review.Such review must include consideration of
30 whether to modify the reporting schedule, thereby authorizing
31 the person under parole supervision or release supervision to

1 submit reports quarterly, semiannually, or annually. The
2 commission, after having retained jurisdiction of a person for
3 a sufficient length of time to evidence satisfactory
4 rehabilitation and cooperation, may further modify the terms
5 and conditions of the person's parole, control release, or
6 conditional release, may discharge the person from parole
7 supervision or release supervision, may relieve the person
8 from making further reports, or may permit the person to leave
9 the state or country, upon finding that such action is in the
10 best interests of the person and society.

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

13 Section 8. As a result of the reduction of
14 responsibilities of the Parole Commission made by this act,
15 the number of existing full-time positions within the
16 commission shall be reduced by 40 positions.

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

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19 HOUSE SUMMARY

20
21 Creates the "Parole Commission Reform Act of 2001."
22 Deletes the requirement that the Parole Commission have
23 an inspector general. Requires the Department of
24 Corrections, rather than the Parole Commission or the
25 Control Release Authority, to notify certain entities
26 prior to inmate release. Permits Parole Commission staff
27 to establish and maintain offices within existing
28 department facilities. Requires the Department of
29 Corrections to review inmate's program participation and
30 records prior to conditional release, to forward the
31 inmate's release plan to the Parole Commission, and to
make recommendations to the commission. Authorizes the
commission to impose requirements relating to curfews.
Authorizes the commission to require electronic
monitoring for certain releasees. Requires the department
to provide to the commission information for parole or
release reviews. Reduces the number of existing full-time
positions within the commission.