

568-185AX-02

Bill No. HB 25

Amendment No. 3 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Crow and Fiorentino offered the following:

Amendment (with title amendment)

On page 2, between lines 11 and 12, of the bill

insert:

Section 2. Paragraph (a) of subsection (7) of section 947.1405, Florida Statutes, is amended to read:

947.1405 Conditional release program.--

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

1. A mandatory curfew from 10 p.m. to 6 a.m. The court may designate another 8-hour period if the offender's employment precludes the above specified time, and such alternative is recommended by the Department of Corrections.

1 If the court determines that imposing a curfew would endanger
2 the victim, the court may consider alternative sanctions.

3 2. If the victim was under the age of 18, a
4 prohibition on living within 1,000 feet of a school, day care
5 center, park, playground, school bus stop, or other place
6 where children regularly congregate.

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

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

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

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

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

1 material, including telephone, electronic media, computer
2 programs, or computer services that are relevant to the
3 offender's deviant behavior pattern.

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

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

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

15 Section 3. Section 794.07, Florida Statutes, is
16 created to read:

17 794.07 Unlawful place of residence for persons
18 convicted of certain sex offenses.--

19 (1) It is unlawful for any person who has been
20 convicted of a violation of s. 794.011, s. 794.05, s. 800.04,
21 s. 827.071, or s. 847.0145, regardless of whether adjudication
22 has been withheld, in which the victim of the offense was less
23 than 16 years of age, to reside within 1,000 feet of any
24 school, day care center, park, or playground. Any person
25 violating this section whose conviction for s. 794.011, s.
26 794.05, s.800.04, s. 827.071, or s. 847.0145, was classified
27 as a felony of the first degree or higher, commits a felony of
28 the third degree, punishable as provided in s. 775.082 and
29 775.083. Any person violating this section whose conviction
30 for s. 794.011, s. 794.05, s. 800.04, s. 827.071, or s.
31 847.0145, was classified as a felony of the second or third

1 degree commits a misdemeanor of the first degree punishable as
2 provided in s. 775.082 and 775.083.

3 (2) This section shall apply to any person convicted
4 of a violation of s. 794.011, s. 794.05, s. 800.04, s.
5 827.071, or s. 847.0145 for offenses which occur on or after
6 October 1, 2001.

7 Section 4. Section 794.0701, Florida Statutes, is
8 created to read:

9 794.0701 Unlawful place of residence for persons
10 convicted of certain sex offenses.--

11 (1) It is unlawful for any person who has been
12 convicted of a violation of s. 794.011, s. 794.05, s. 800.04,
13 s. 827.071, or s. 847.0145, regardless of whether adjudication
14 has been withheld, in which the victim of the offense was less
15 than 16 years of age, to reside within 1,000 feet of any
16 school, day care center, park, or playground. Any person
17 violating this section whose conviction for s. 794.011, s.
18 794.05, s.800.04, s. 827.071, or s. 847.0145, was classified
19 as a felony of the first degree or higher, commits a felony of
20 the third degree, punishable as provided in s. 775.082 and
21 775.083. Any person violating this section whose conviction
22 for s. 794.011, s. 794.05, s. 800.04, s. 827.071, or s.
23 847.0145, was classified as a felony of the second or third
24 degree commits a misdemeanor of the first degree punishable as
25 provided in s. 775.082 and 775.083.

26 (2) This section shall apply retroactively to any
27 person convicted of a violation of s. 794.011, s. 794.05, s.
28 800.04, s. 827.071, or s. 847.0145 regardless of when the
29 offense occurred.

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

2 And the title is amended as follows:

3 On page 1, line 9,

4

5 after "penalties;" insert:

6 amending s. 947.1405, F.S.; prohibiting sexual
7 offenders subject to conditional release
8 supervision from living within a specified
9 distance of certain places where children
10 congregate; creating ss. 794.07 and 794.0701,
11 F.S.; prohibiting persons convicted of certain
12 sex crimes from residing within 1,000 feet of a
13 school, day care center, park, or playground;
14 providing penalties; providing for application;

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