

By Senator Clary

7-76A-01

1                                   A bill to be entitled  
 2           An act relating to crime victims and witnesses;  
 3           amending s. 947.175, F.S.; requiring that the  
 4           Parole Commission notify a victim's parent,  
 5           guardian, or next of kin under certain  
 6           circumstances after the inmate who committed  
 7           the crime is approved for community work  
 8           release; amending s. 958.07, F.S.; authorizing  
 9           the victim of a crime or the victim's parent,  
 10          guardian, or next of kin to review the  
 11          presentence investigation report under certain  
 12          circumstances; amending s. 960.001, F.S.;  
 13          requiring that a crime victim or witness be  
 14          informed of the address confidentiality  
 15          program; requiring that the victim of a sex  
 16          offense be informed of the right to have the  
 17          courtroom cleared of certain persons when the  
 18          victim is testifying about the offense;  
 19          providing an effective date.

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

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 23           Section 1. Subsection (3) of section 947.175, Florida  
 24 Statutes, is amended to read:

25           947.175 Notice to local agencies.--

26           (3) Upon request, ~~the department shall~~ within 30 days  
 27 after an inmate is approved for community work release, the  
 28 Parole Commission shall notify the state attorney, the victim,  
 29 the victim's parent or guardian if the victim is a minor, the  
 30 victim's next of kin in the case of a homicide, or the

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1 personal representative that ~~of the victim when~~ an inmate has  
2 been is approved for community work release.

3 Section 2. Section 958.07, Florida Statutes, is  
4 amended to read:

5 958.07 Presentence report; access by defendant.--The  
6 defendant is entitled to an opportunity to present to the  
7 court facts which would materially affect the decision of the  
8 court to adjudicate the defendant a youthful offender. The  
9 defendant, his or her attorney, and the state shall be  
10 entitled to inspect all factual material contained in the  
11 comprehensive presentence report or diagnostic reports  
12 prepared or received by the department. The victim, the  
13 victim's parent or guardian if the victim is a minor, or the  
14 victim's next of kin in the case of a homicide may review the  
15 presentence investigation report as provided in s.  
16 960.001(1)(g)2.The court may withhold from disclosure to the  
17 defendant and his or her attorney sources of information which  
18 have been obtained through a promise of confidentiality. In  
19 all cases in which parts of the report are not disclosed, the  
20 court shall state for the record the reasons for its action  
21 and shall inform the defendant and his or her attorney that  
22 information has not been disclosed.

23 Section 3. Paragraphs (c), (g), and (q) of subsection  
24 (1) of section 960.001, Florida Statutes, are amended to read:

25 960.001 Guidelines for fair treatment of victims and  
26 witnesses in the criminal justice and juvenile justice  
27 systems.--

28 (1) The Department of Legal Affairs, the state  
29 attorneys, the Department of Corrections, the Department of  
30 Juvenile Justice, the Parole Commission, the State Courts  
31 Administrator and circuit court administrators, the Department

1 of Law Enforcement, and every sheriff's department, police  
2 department, or other law enforcement agency as defined in s.  
3 943.10(4) shall develop and implement guidelines for the use  
4 of their respective agencies, which guidelines are consistent  
5 with the purposes of this act and s. 16(b), Art. I of the  
6 State Constitution and are designed to implement the  
7 provisions of s. 16(b), Art. I of the State Constitution and  
8 to achieve the following objectives:

9 (c) Information concerning protection available to  
10 victim or witness.--A victim or witness shall be furnished, as  
11 a matter of course, with information on steps that are  
12 available to law enforcement officers and state attorneys to  
13 protect victims and witnesses from intimidation. The victim or  
14 witness shall also be given information about the address  
15 confidentiality program provided under s. 741.403.

16 (g)~~f~~. Consultation with victim or guardian or family  
17 of victim.--

18 1. In addition to being notified of the provisions of  
19 s. 921.143, the victim of a felony involving physical or  
20 emotional injury or trauma or, in a case in which the victim  
21 is a minor child or in a homicide, the guardian or family of  
22 the victim shall be consulted by the state attorney in order  
23 to obtain the views of the victim or family about the  
24 disposition of any criminal or juvenile case brought as a  
25 result of such crime, including the views of the victim or  
26 family about:

- 27 a. The release of the accused pending judicial  
28 proceedings;
- 29 b. Plea agreements;
- 30 c. Participation in pretrial diversion programs; and
- 31 d. Sentencing of the accused.

1           2. Upon request, the state attorney shall permit the  
2 victim, the victim's parent or guardian if the victim is a  
3 minor, or the victim's next of kin in the case of a homicide  
4 to review a copy of the presentence investigation report prior  
5 to the sentencing hearing if one was completed. Any  
6 confidential information that pertains to medical history,  
7 mental health, or substance abuse and any information that  
8 pertains to any other victim shall be redacted from the copy  
9 of the report. Any person who reviews the report pursuant to  
10 this paragraph must maintain the confidentiality of the report  
11 and shall not disclose its contents to any person except  
12 statements made to the state attorney or the court.

13           3. When an inmate has been approved for community work  
14 release, the Parole Commission shall, upon request and as  
15 provided in s. 947.175, notify the victim, the victim's parent  
16 or guardian if the victim is a minor, or the victim's next of  
17 kin in the case of a homicide.

18           (q) Presence of victim advocate during discovery  
19 deposition; testimony of victim of a sex offense.--At the  
20 request of the victim, the victim advocate designated by state  
21 attorney's office, sheriff's office, or municipal police  
22 department, or one representative from a not-for-profit victim  
23 services organization, including, but not limited to, rape  
24 crisis centers, domestic violence advocacy groups, and alcohol  
25 abuse or substance abuse groups shall be permitted to attend  
26 and be present during any deposition of the victim. The victim  
27 of a sex offense shall be informed of the right to have the  
28 courtroom cleared of certain persons as provided in s. 918.16  
29 when the victim is testifying concerning that offense.

30           Section 4. This act shall take effect July 1, 2001.

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SENATE SUMMARY

Requires the Parole Commission to notify a minor victim's parent or guardian or a homicide victim's next of kin within 30 days after the inmate who committed the crime is approved for community work release. Requires that a crime victim or witness be informed that his or her address may be kept confidential. Requires that the victim of a sex offense be informed of the right to have the courtroom cleared of certain persons when the victim is testifying about that offense.