

By Senator Constantine

9-578-02

1 A bill to be entitled
2 An act relating to transportation of prisoners;
3 amending s. 944.17, F.S.; changing references
4 from "sheriff" to "custodian of the local
5 jail"; providing an effective date.

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

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9 Section 1. Subsections (5), (6), and (8) of section
10 944.17, Florida Statutes, are amended to read:

11 944.17 Commitments and classification; transfers.--

12 (5) The department shall also refuse to accept a
13 person into the state correctional system unless the following
14 documents are presented in a completed form by the custodian
15 of the local jail or other person having custody of the
16 prisoner ~~sheriff or chief correctional officer, or a~~
17 ~~designated representative,~~ to the officer in charge of the
18 reception process:

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

21 (b) The ~~sheriff's~~ certificate as described in s.
22 921.161.

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

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

27 (e) A copy of the Criminal Punishment Code scoresheet
28 and any attachments thereto prepared pursuant to Rule 3.701,
29 Rule 3.702, or Rule 3.703, Florida Rules of Criminal
30 Procedure, or any other rule pertaining to the preparation of
31 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 custodian of the local

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

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

24 Section 2. This act shall take effect July 1, 2002.

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27 SENATE SUMMARY

28 Changes provisions relating to the transportation of
29 prisoners from references to "sheriff" to "custodian of
30 the local jail."
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