

By Senator Smith

5-264-02

See HB 79

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A bill to be entitled

An act relating to sexual offenders; amending s. 947.1405, F.S.; prohibiting certain sexual offenders subject to conditional release supervision from living within a specified distance of certain places where children congregate; providing an effective date.

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

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

2. If the victim was under the age of 18, a prohibition on living within 1,000 feet of a school, day care

1 center, park, playground, school bus stop, or other place
2 where children regularly congregate.

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

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

13 5. If the victim was under the age of 18, a
14 prohibition against direct contact or association with
15 children under the age of 18 until all of the following
16 conditions are met:

17 a. Successful completion of a sex offender treatment
18 program.

19 b. The adult person who is legally responsible for the
20 welfare of the child has been advised of the nature of the
21 crime.

22 c. Such adult person is present during all contact or
23 association with the child.

24 d. Such adult person has been approved by the
25 commission.

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

30 7. Unless otherwise indicated in the treatment plan
31 provided by the sexual offender treatment program, a

1 prohibition on viewing, owning, or possessing any obscene,
2 pornographic, or sexually stimulating visual or auditory
3 material, including telephone, electronic media, computer
4 programs, or computer services that are relevant to the
5 offender's deviant behavior pattern.

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

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

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

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

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HOUSE SUMMARY

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Prohibits certain sexual offenders subject to
conditional release supervision from living within a
specified distance of certain places where children
congregate.

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