

By the Council for Lifelong Learning and Representatives
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Pickens

1 A bill to be entitled
2 An act relating to sexual offenders; amending
3 s. 947.1405, F.S.; prohibiting certain sexual
4 offenders subject to conditional release
5 supervision from living within a specified
6 distance of certain places where children
7 congregate; creating s. 794.065, F.S.;
8 prohibiting persons convicted of certain sex
9 crimes from residing within 1,000 feet of a
10 school, day care center, park, or playground;
11 providing an effective date.

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

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15 Section 1. Paragraph (a) of subsection (7) of section
16 947.1405, Florida Statutes, is amended to read:

17 947.1405 Conditional release program.--

18 (7)(a) Any inmate who is convicted of a crime
19 committed on or after October 1, 1995, or who has been
20 previously convicted of a crime committed on or after October
21 1, 1995, in violation of chapter 794, s. 800.04, s. 827.071,
22 or s. 847.0145, and is subject to conditional release
23 supervision, shall have, in addition to any other conditions
24 imposed, the following special conditions imposed by the
25 commission:

26 1. A mandatory curfew from 10 p.m. to 6 a.m. The
27 commission may designate another 8-hour period if the
28 offender's employment precludes the above specified time, and
29 such alternative is recommended by the Department of
30 Corrections. If the commission determines that imposing a

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1 curfew would endanger the victim, the commission may consider
2 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 against direct contact or association with
19 children under the age of 18 until all of the following
20 conditions are met:

21 a. Successful completion of a sex offender treatment
22 program.

23 b. The adult person who is legally responsible for the
24 welfare of the child has been advised of the nature of the
25 crime.

26 c. Such adult person is present during all contact or
27 association with the child.

28 d. Such adult person has been approved by the
29 commission.

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

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 Section 2. Section 794.065, Florida Statutes, is
22 created to read:

23 794.065 Unlawful place of residence for persons
24 convicted of certain sex offenses.--

25 (1) It is unlawful for any person who has been
26 convicted of a violation of s. 794.011, s. 794.05, s. 800.04,
27 s. 827.071, or s. 847.0145, regardless of whether adjudication
28 has been withheld, in which the victim of the offense was less
29 than 16 years of age, to reside within 1,000 feet of any
30 school, day care center, park, or playground. A person who
31 violates this section and whose conviction for s. 794.011, s.

1 794.05, s. 800.04, s. 827.071, or s. 847.0145 was classified
2 as a felony of the first degree or higher commits a felony of
3 the third degree, punishable as provided in s. 775.082 or s.
4 775.083. A person who violates this section and whose
5 conviction for s. 794.011, s. 794.05, s. 800.04, s. 827.071,
6 or s. 847.0145 was classified as a felony of the second or
7 third degree commits a misdemeanor of the first degree,
8 punishable as provided in s. 775.082 or s. 775.083.

9 (2) This section shall apply to any person convicted
10 of a violation of s. 794.011, s. 794.05, s. 800.04, s.
11 827.071, or s. 847.0145 for offenses that occur on or after
12 October 1, 2002.

13 Section 3. This act shall take effect upon becoming a
14 law.

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