

565-224AX-22

Amendment No. 2 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

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Representative(s) Fasano and Kravitz offered the following:

Amendment (with title amendment)

On page 5, between lines 20 and 21,

insert:

Section 4. 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

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

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

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

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

18 5. If the victim was under the age of 18, a
19 prohibition against direct contact or association with
20 children under the age of 18 until all of the following
21 conditions are met:

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

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

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

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

31 6. If the victim was under age 18, a prohibition on

1 working for pay or as a volunteer at any school, day care
2 center, park, playground, or other place where children
3 regularly congregate, as prescribed by the commission.

4 7. Unless otherwise indicated in the treatment plan
5 provided by the sexual offender treatment program, a
6 prohibition on viewing, owning, or possessing any obscene,
7 pornographic, or sexually stimulating visual or auditory
8 material, including telephone, electronic media, computer
9 programs, or computer services that are relevant to the
10 offender's deviant behavior pattern.

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

14 9. A requirement that the releasee make restitution to
15 the victim, as determined by the sentencing court or the
16 commission, for all necessary medical and related professional
17 services relating to physical, psychiatric, and psychological
18 care.

19 10. Submission to a warrantless search by the
20 community control or probation officer of the probationer's or
21 community controllee's person, residence, or vehicle.

22 Section 5. Section 794.065, Florida Statutes, is
23 created to read:

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

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

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

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

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

17 And the title is amended as follows:

18 remove the entire title

19

20 and insert:

21 A bill to be entitled
 22 An act relating to sexual offenders; amending
 23 s. 394.913, F.S.; requiring the agency with
 24 jurisdiction over a person convicted of a
 25 sexually violent offense to provide earlier
 26 notice of the offender's anticipated release;
 27 revising the time for preparing the assessment
 28 as to whether the offender is a sexually
 29 violent predator; amending s. 394.917, F.S.;
 30 requiring detainees to be segregated from other
 31 patients; amending s. 394.929, F.S.; revising a

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catchline; 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; creating s. 794.065,
F.S.; prohibiting persons convicted of certain
sex crimes from residing within 1,000 feet of a
school, day care center, park, playground, or
school bus stop; providing an effective date.