

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** HB 943 Relating to Probation and Community Control

**SPONSOR(S):** Rep. Zapata and others

**TIED BILLS:** None

**IDEN./SIM. BILLS:** SB 488

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Corrections (Sub)</u>	_____	<u>Cole</u>	<u>De La Paz</u>
2) <u>Public Safety and Crime Prevention</u>	_____	_____	_____
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

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**SUMMARY ANALYSIS**

Section 948.03, F.S., currently specifies that offenders on probation for certain types of offenses are prohibited from living within 1000 feet of a school, day care center, park, playground, or other place where children regularly congregate. The statute does not currently specify how that measurement be made.

The bill specifies that the measurement must be made from the offender's residence to the nearest property boundary line of any of the prohibited places in a straight line measurement. This clarification makes the area in which offenders must be excluded from as large as possible.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

**STORAGE NAME:** h0943.pscp.doc

**DATE:** March 10, 2003

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. DOES THE BILL:

- |                                      |                              |                             |   |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government?                | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes?                      | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom?        | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families?                 | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

#### B. EFFECT OF PROPOSED CHANGES:

By making the measurement from the offender's residence a straight line measurement of 1000', any challenge for arbitrariness or vagueness will be eliminated. Courts have ruled in several drug cases that also have the 1000' rule applied in certain situations, that the measurement must be in a straight line. The bill will remove any subjectivity on behalf of the person making the measurement since it must be done in a straight line.

#### C. SECTION DIRECTORY:

**Section 1:** Amends S. 948.03 F.S., relating to measurement of prohibited areas for persons on probation or community control.

**Section 2:** Provides an effective date.

### II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

##### 1. Revenues:

None

##### 2. Expenditures:

None

#### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

##### 1. Revenues:

None

##### 2. Expenditures:

None

#### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

There appears to be no negative fiscal impact to state or local governments.

**III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

**IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES**

None