

Bill No. CS for SB 218

Amendment No. ____ Barcode 852146

CHAMBER ACTION

Senate

House

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Senator Smith moved the following amendment:

Senate Amendment (with title amendment)

On page 40, between lines 27 and 28,

insert:

Section 17. Section 947.06, Florida Statutes, is amended to read:

947.06 Meeting; when commission may act.--The commission shall meet at regularly scheduled intervals and from time to time as may otherwise be determined by the chair. The making of recommendations to the Governor and Cabinet in matters relating to modifications of acts and decisions of the chair as provided in s. 947.04(1) shall be by a majority vote of the commission. No prisoner shall be placed on parole except as provided in ss. 947.172 and 947.174 by a panel of no fewer than two commissioners appointed by the chair. All matters relating to the granting, denying, or revoking of parole shall be decided in a meeting at which the public shall have the right to be present. Prior to the meeting, each victim of the crime committed by the inmate, or the victim's

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1 next of kin, shall be presented with a copy of all documents,
2 findings, and evidence relating to the granting, denying, or
3 revoking of parole. Victims of the crime committed by the
4 inmate shall be permitted to make an oral statement or submit
5 a written statement regarding their views as to the granting,
6 denying, or revoking of parole. Persons not members or
7 employees of the commission or victims of the crime committed
8 by the inmate may be permitted to participate in deliberations
9 concerning the granting and revoking of paroles only upon the
10 prior written approval of the chair of the commission. To
11 facilitate the ability of victims and other persons to attend
12 commission meetings, the commission shall meet in various
13 counties including, but not limited to, Broward, Dade, Duval,
14 Escambia, Hillsborough, Leon, Orange, and Palm Beach, with the
15 location chosen being as close as possible to the location
16 where the parole-eligible inmate committed the offense for
17 which the parole-eligible inmate was sentenced. The
18 commission shall adopt rules governing the oral participation
19 of victims and the submission of written statements by
20 victims.

21 Section 18. Paragraph (g) of subsection (4) of section
22 947.16, Florida Statutes, is amended to read:

23 947.16 Eligibility for parole; initial parole
24 interviews; powers and duties of commission.--

25 (4) A person who has become eligible for an initial
26 parole interview and who may, according to the objective
27 parole guidelines of the commission, be granted parole shall
28 be placed on parole in accordance with the provisions of this
29 law; except that, in any case of a person convicted of murder,
30 robbery, burglary of a dwelling or burglary of a structure or
31 conveyance in which a human being is present, aggravated

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1 assault, aggravated battery, kidnapping, sexual battery or
2 attempted sexual battery, incest or attempted incest, an
3 unnatural and lascivious act or an attempted unnatural and
4 lascivious act, lewd and lascivious behavior, assault or
5 aggravated assault when a sexual act is completed or
6 attempted, battery or aggravated battery when a sexual act is
7 completed or attempted, arson, or any felony involving the use
8 of a firearm or other deadly weapon or the use of intentional
9 violence, at the time of sentencing the judge may enter an
10 order retaining jurisdiction over the offender for review of a
11 commission release order. This jurisdiction of the trial
12 court judge is limited to the first one-third of the maximum
13 sentence imposed. When any person is convicted of two or more
14 felonies and concurrent sentences are imposed, then the
15 jurisdiction of the trial court judge as provided herein
16 applies to the first one-third of the maximum sentence imposed
17 for the highest felony of which the person was convicted. When
18 any person is convicted of two or more felonies and
19 consecutive sentences are imposed, then the jurisdiction of
20 the trial court judge as provided herein applies to one-third
21 of the total consecutive sentences imposed.

22 (g) The decision of the original sentencing judge or,
23 in her or his absence, the chief judge of the circuit to
24 vacate any parole release order as provided in this section is
25 not appealable. Each inmate whose parole release order has
26 been vacated by the court shall be reinterviewed within 2
27 years after the date of receipt of the vacated release order
28 and every 2 years thereafter, or earlier by order of the court
29 retaining jurisdiction. However, each inmate whose parole
30 release order has been vacated by the court and who has been:

31 1. Convicted of murder or attempted murder;

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1 2. Convicted of sexual battery or attempted sexual
2 battery; ~~or~~
3 3. Sentenced to a 25-year minimum mandatory sentence
4 previously provided in s. 775.082; ~~or~~
5 4. Convicted of kidnapping,
6
7 shall be reinterviewed once within 5 years after the date of
8 receipt of the vacated release order and once every 5 years
9 thereafter, if the commission finds that it is not reasonable
10 to expect that parole would be granted during the following
11 years and states the bases for the finding in writing. For
12 any inmate who is within 7 years of his or her tentative
13 release date, the commission may establish a reinterview date
14 prior to the 5-year schedule.

15 Section 19. Paragraph (b) of subsection (1) of section
16 947.174, Florida Statutes, is amended to read:

17 947.174 Subsequent interviews.--

18 (1)

19 (b) For any inmate convicted of murder, attempted
20 murder, sexual battery, attempted sexual battery, or
21 kidnapping, or who has been sentenced to a 25-year minimum
22 mandatory sentence previously provided in s. 775.082, and
23 whose presumptive parole release date is more than 5 years
24 after the date of the initial interview, a hearing examiner
25 shall schedule an interview for review of the presumptive
26 parole release date. Such interview shall take place once
27 within 5 years after the initial interview and once every 5
28 years thereafter if the commission finds that it is not
29 reasonable to expect that parole will be granted at a hearing
30 during the following years and states the bases for the
31 finding in writing. For any inmate who is within 7 years of

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1 his or her tentative release date, the commission may
2 establish an interview date prior to the 5-year schedule.

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4 (Redesignate subsequent sections.)

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

8 And the title is amended as follows:

9 On page 2, line 3, following the semicolon

10
11 insert:

12 amending s. 947.06; , F.S. requiring that, prior
13 to a meeting of the Parole Commission, the
14 victim of the crime be given documents and
15 evidence relating to the granting, denying, or
16 revoking of the inmate's parole; amending s.
17 947.16, F.S.; requiring that an inmate
18 convicted of kidnapping whose parole release
19 order has been vacated by the court be
20 reinterviewed at 5-year intervals following the
21 vacated release order; amending s. 947.174,
22 F.S.; requiring that an inmate convicted of
23 kidnapping whose presumptive parole release
24 date is more than 5 years after the initial
25 interview be reinterviewed thereafter at 5-year
26 intervals;

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