

By Senator Smith

14-751-04

1 A bill to be entitled
2 An act relating to the Parole Commission;
3 amending s. 947.06; , F.S. requiring that, prior
4 to a meeting of the Parole Commission, the
5 victim of the crime be given documents and
6 evidence relating to the granting, denying, or
7 revoking of the inmate's parole; amending s.
8 947.16, F.S.; requiring that an inmate
9 convicted of kidnapping whose parole release
10 order has been vacated by the court be
11 reinterviewed at 5-year intervals following the
12 vacated release order; amending s. 947.174,
13 F.S.; requiring that an inmate convicted of
14 kidnapping whose presumptive parole release
15 date is more than 5 years after the initial
16 interview be reinterviewed thereafter at 5-year
17 intervals; providing an effective date.

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

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21 Section 1. Section 947.06, Florida Statutes, is
22 amended to read:

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24 947.06 Meeting; when commission may act.--The
25 commission shall meet at regularly scheduled intervals and
26 from time to time as may otherwise be determined by the chair.
27 The making of recommendations to the Governor and Cabinet in
28 matters relating to modifications of acts and decisions of the
29 chair as provided in s. 947.04(1) shall be by a majority vote
30 of the commission. No prisoner shall be placed on parole
31 except as provided in ss. 947.172 and 947.174 by a panel of no
fewer than two commissioners appointed by the chair. All

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

25 Section 2. Paragraph (g) of subsection (4) of section
26 947.16, Florida Statutes, is amended to read:

27 947.16 Eligibility for parole; initial parole
28 interviews; powers and duties of commission.--

29 (4) A person who has become eligible for an initial
30 parole interview and who may, according to the objective
31 parole guidelines of the commission, be granted parole shall

1 be placed on parole in accordance with the provisions of this
2 law; except that, in any case of a person convicted of murder,
3 robbery, burglary of a dwelling or burglary of a structure or
4 conveyance in which a human being is present, aggravated
5 assault, aggravated battery, kidnapping, sexual battery or
6 attempted sexual battery, incest or attempted incest, an
7 unnatural and lascivious act or an attempted unnatural and
8 lascivious act, lewd and lascivious behavior, assault or
9 aggravated assault when a sexual act is completed or
10 attempted, battery or aggravated battery when a sexual act is
11 completed or attempted, arson, or any felony involving the use
12 of a firearm or other deadly weapon or the use of intentional
13 violence, at the time of sentencing the judge may enter an
14 order retaining jurisdiction over the offender for review of a
15 commission release order. This jurisdiction of the trial
16 court judge is limited to the first one-third of the maximum
17 sentence imposed. When any person is convicted of two or more
18 felonies and concurrent sentences are imposed, then the
19 jurisdiction of the trial court judge as provided herein
20 applies to the first one-third of the maximum sentence imposed
21 for the highest felony of which the person was convicted. When
22 any person is convicted of two or more felonies and
23 consecutive sentences are imposed, then the jurisdiction of
24 the trial court judge as provided herein applies to one-third
25 of the total consecutive sentences imposed.

26 (g) The decision of the original sentencing judge or,
27 in her or his absence, the chief judge of the circuit to
28 vacate any parole release order as provided in this section is
29 not appealable. Each inmate whose parole release order has
30 been vacated by the court shall be reinterviewed within 2
31 years after the date of receipt of the vacated release order

1 and every 2 years thereafter, or earlier by order of the court
2 retaining jurisdiction. However, each inmate whose parole
3 release order has been vacated by the court and who has been:

- 4 1. Convicted of murder or attempted murder;
- 5 2. Convicted of sexual battery or attempted sexual
6 battery; ~~or~~
- 7 3. Sentenced to a 25-year minimum mandatory sentence
8 previously provided in s. 775.082; ~~or~~
- 9 4. Convicted of kidnapping,

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11 shall be reinterviewed once within 5 years after the date of
12 receipt of the vacated release order and once every 5 years
13 thereafter, if the commission finds that it is not reasonable
14 to expect that parole would be granted during the following
15 years and states the bases for the finding in writing. For
16 any inmate who is within 7 years of his or her tentative
17 release date, the commission may establish a reinterview date
18 prior to the 5-year schedule.

19 Section 3. Paragraph (b) of subsection (1) of section
20 947.174, Florida Statutes, is amended to read:

21 947.174 Subsequent interviews.--

22 (1)

23 (b) For any inmate convicted of murder, attempted
24 murder, sexual battery, attempted sexual battery, or
25 kidnapping, or who has been sentenced to a 25-year minimum
26 mandatory sentence previously provided in s. 775.082, and
27 whose presumptive parole release date is more than 5 years
28 after the date of the initial interview, a hearing examiner
29 shall schedule an interview for review of the presumptive
30 parole release date. Such interview shall take place once
31 within 5 years after the initial interview and once every 5

1 years thereafter if the commission finds that it is not
2 reasonable to expect that parole will be granted at a hearing
3 during the following years and states the bases for the
4 finding in writing. For any inmate who is within 7 years of
5 his or her tentative release date, the commission may
6 establish an interview date prior to the 5-year schedule.

7 Section 4. This act shall take effect July 1, 2004.

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10 SENATE SUMMARY

11 Provides that, prior to a meeting of the Parole
12 Commission, victims of the crime, or the next of kin, be
13 given documents and evidence relating to the granting,
14 denying, or revoking of parole. Provides that an inmate
15 whose parole release order has been vacated by the court
16 and who has been convicted of kidnapping be reinterviewed
17 at 5-year intervals rather than 2-year intervals after
18 the date of receipt of the vacated release order.
19 Provides that an inmate convicted of kidnapping whose
20 presumptive parole release date is 5 years after the date
21 of the initial interview be interviewed for review of the
22 presumptive parole release date at 5-year intervals
23 rather than 2-year intervals.
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