

By Senator Lynn

7-172-05

1 A bill to be entitled
2 An act relating to probation and community
3 control; creating s. 948.033, F.S.; providing
4 that, as a term or condition of probation or
5 community control, a person who is convicted of
6 a felony or misdemeanor and who is placed on
7 probation or into community control may not
8 become or remain a criminal street gang member
9 or associate with a person who is a criminal
10 street gang member, a criminal street gang
11 associate, or a member of a prison gang;
12 requiring a court to order intensive
13 supervision and surveillance for any offender
14 placed on probation or into community control
15 who is or was a criminal street gang member;
16 providing specified terms and conditions for
17 probation or community control; authorizing a
18 court to revoke probation if the offender fails
19 to comply with the terms and conditions of
20 probation or community control; directing the
21 Department of Corrections to notify certain
22 sheriffs when an offender identified as a
23 street gang member is released from
24 incarceration; directing the department to
25 develop and provide specialized training for
26 each parole and probation officer supervising
27 an offender who has been identified as a prison
28 gang member or a criminal street gang member;
29 providing an effective date.

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

1 Section 1. Section 948.033, Florida Statutes, is
2 created to read:

3 948.033 Condition of probation and community control;
4 street gang membership or activities.--

5 (1) As a term or condition of probation or community
6 control, a person who is convicted of a felony or misdemeanor
7 may not become or remain a criminal street gang member, as
8 defined in s. 874.03, and may not associate with a person who
9 is a criminal street gang member, a criminal street gang
10 associate, or a prison gang member.

11 (2) The court shall require intensive supervision and
12 surveillance for an offender placed on probation or into
13 community control who is or was a criminal street gang member,
14 which may include, but is not limited to:

15 1. Specified contact with the parole and probation
16 officer.

17 2. Confinement to an agreed-upon residence during
18 hours away from employment and public service activities.

19 3. Mandatory public service.

20 4. Supervision by the Department of Corrections by
21 means of an electronic monitoring device or system.

22 5. The standard conditions of probation set forth in
23 s. 948.03.

24 (3) The court may revoke probation or community
25 control if the offender fails to comply with this section.

26 (4) The Department of Corrections shall notify the
27 sheriff of the county in which the crime was committed and the
28 sheriff of the county in which the offender will reside when
29 an offender determined by the department to be a criminal
30 street gang member is released from incarceration. The notice
31 must state the date on which the offender was released and

1 state that the offender has been determined by the department
2 to be a criminal street gang member.

3 (5) The Department of Corrections shall develop and
4 provide specialized training for each parole and probation
5 officer supervising an offender who has been identified by the
6 department as a member of a prison gang or a criminal street
7 gang member.

8 Section 2. This act shall take effect July 1, 2005.

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11 SENATE SUMMARY

12 Prohibits a person who is convicted of a felony or
13 misdemeanor and placed on probation or into community
14 control from becoming or remaining a criminal street gang
15 member or associating with a person who is a criminal
16 street gang member, a criminal street gang associate, or
17 a prison gang member. Requires a court to order intensive
18 supervision and surveillance for any offender placed on
19 probation or into community control who is or was a
20 criminal street gang member. Provides specified terms and
21 conditions for probation or community control. Authorizes
22 a court to revoke probation if the offender fails to
23 comply with the terms and conditions of probation.
24 Directs the Department of Corrections to notify certain
25 sheriffs when an offender identified as a street gang
26 member is released from incarceration. Directs the
27 department to develop and provide specialized training
28 for each parole and probation officer supervising an
29 offender who has been identified as a prison gang member
30 or a criminal street gang member.
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