

Bill No. SB 540

Barcode 072726

CHAMBER ACTION

Senate

House

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11 The Committee on Criminal Justice (Smith) recommended the
12 following amendment:

Senate Amendment (with title amendment)

15 On page 5, between lines 6 and 7,

17 insert:

18 Section 4. Subsection (6) of section 947.1745, Florida
19 Statutes, is amended to read:

20 947.1745 Establishment of effective parole release
21 date.--If the inmate's institutional conduct has been
22 satisfactory, the presumptive parole release date shall become
23 the effective parole release date as follows:

24 (6) Within 90 days before the effective parole release
25 date interview, the commission shall send written notice to
26 the sentencing judge of any inmate who has been scheduled for
27 an effective parole release date interview. If the sentencing
28 judge is no longer serving, the notice must be sent to the
29 chief judge of the circuit in which the offender was
30 sentenced. The chief judge may designate any circuit judge
31 within the circuit to act in the place of the sentencing

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1 judge. Within 30 days after receipt of the commission's
2 notice, the sentencing judge, or the designee, shall send to
3 the commission notice of objection to parole release, if the
4 judge objects to such release. If there is objection by the
5 judge, such objection may constitute good cause in exceptional
6 circumstances as described in s. 947.173, and the commission
7 may schedule a subsequent review within 2 years, extending the
8 presumptive parole release date beyond that time. However, for
9 an inmate who has been:

10 (a) Convicted of murder or attempted murder;

11 (b) Convicted of sexual battery or attempted sexual
12 battery; or

13 (c) Sentenced to a 25-year minimum mandatory sentence
14 previously provided in s. 775.082,

15 (d) Convicted of kidnapping,

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17 the commission may schedule a subsequent review under this
18 subsection once every 5 years, extending the presumptive
19 parole release date beyond that time if the commission finds
20 that it is not reasonable to expect that parole would be
21 granted at a review during the following years and states the
22 bases for the finding in writing. For any inmate who is within
23 7 years of his or her release date, the commission may
24 schedule a subsequent review prior to the 5 year schedule.
25 With any subsequent review the same procedure outlined above
26 will be followed. If the judge remains silent with respect to
27 parole release, the commission may authorize an effective
28 parole release date. This subsection applies if the
29 commission desires to consider the establishment of an
30 effective release date without delivery of the effective
31 parole release date interview. Notice of the effective

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1 release date must be sent to the sentencing judge, and either
 2 the judge's response to the notice must be received or the
 3 time period allowed for such response must elapse before the
 4 commission may authorize an effective release date.

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6 (Redesignate subsequent sections.)

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

10 And the title is amended as follows:

11 On page 1, line 17, after the semicolon

12

13 insert:

14 amending s. 947.1745, F.S.; permitting an
 15 inmate convicted of kidnapping to be scheduled
 16 for an effective parole release date interview
 17 at 5-year intervals;

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