

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Criminal Justice Committee

BILL: SB 1036

INTRODUCER: Senator Lawson

SUBJECT: Inmate Death Notification

DATE: March 13, 2008

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Krol	Cannon	CJ	Favorable
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill requires that the Department of Corrections (department) have a rule for notifying the person designated by an inmate of the inmate's death and provides for the person to be sent written information about who to contact concerning matters relating to the inmate's death.

This bill amends section 944.09 of the Florida Statutes.

II. Present Situation:

Chapter 33-602.112, F.A.C., requires the department to immediately notify "the person designated by the inmate to receive notice of his death" of an inmate's death. The rule further provides that "the chaplain will normally be responsible for giving or arranging such notice."

Thus, when an inmate dies, a chaplain verbally notifies the person designated by the inmate to receive notice of his/her death. No written notice is given. According to the department, if the death is not a natural death, the notified person is informed that the death is suspicious and that it is being investigated by the Inspector General.

The department reports that information concerning who to notify in case of the inmate's death is obtained from the inmate as part of in-processing when he or she is incarcerated. For calendar years 2003-2006 there was an average of 241 inmate deaths per year.

There are no statutes relating to notification of an inmate's death.

III. Effect of Proposed Changes:

This bill amends s. 944.09, F.S., by adding a requirement for the department to adopt rules relating to notice of the death of an inmate. The rules must require the correctional facility in which an inmate dies to contact the person designated by the inmate to receive notification of his or her death and: (1) give notice of the inmate's death; and (2) provide written information that will assist the person in contacting the department concerning matters relating to the inmate's death.

The department rules already provide for the designated person to be notified. The bill will require the department to also provide the written contact information. The department will be required to add the written follow-up notification to the existing death notification rule within 180 days of the effective date.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The department estimates that the mailing of written information would cost \$100 annually, plus staff time for processing.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
