

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: CS/SB 622

INTRODUCER: Criminal Justice Committee and Senator Dockery

SUBJECT: Victims/No Contact Orders

DATE: February 6, 2008 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Dugger	Cannon	CJ	Fav/CS
2.			CF	
3.			JU	
4.			JA	
5.				
6.				

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

The bill would add several violent offenses prescribed in s. 775.084(1)(b)1.a.-o., F.S., to the current crimes (sexual battery and lewd or lascivious offenses upon a child less than 16 years of age) requiring a court to issue a no contact order with the victim when sentencing the offender.

This bill substantially amends section 921.244 of the Florida Statutes.

II. Present Situation:

Currently, courts must issue an order prohibiting an offender from having contact with the victim for the duration of the imposed sentence when sentencing offenders who have been convicted of sexual battery under s. 794.011, F.S., and lewd or lascivious offenses upon persons less than 16 years of age under s. 800.04, F.S.

The prohibition includes direct as well as indirect contact and remains in effect for the entire imposed sentence. Offenders who violate these orders, commonly referred to as “no contact

orders,” commit a third degree felony,¹ and any punishment imposed must run consecutive to any former sentence imposed.²

Courts may reconsider a no contact order upon the request of the victim if the request is made after the victim is 18 years of age or older.³ If such a request is made, the court must hold an evidentiary hearing to determine whether a change of circumstances has occurred which warrants changing the order and whether it is in the best interests of the victim that the order be modified or rescinded.⁴ If the victim is less than 18 years of age, the court must have the consent of a qualified practitioner and the child’s parents before approving any supervised contact between the child and a sexual offender on probation or community control.⁵

III. Effect of Proposed Changes:

The bill would add several violent offenses prescribed in s. 775.084(1)(b)1.a.-o., F.S., to the current crimes requiring a court to issue a no contact order when sentencing a convicted offender. These offenses would include the following: arson; sexual battery; robbery; kidnapping; aggravated child abuse; aggravated abuse of an elderly person or disabled adult; aggravated assault with a deadly weapon; murder; manslaughter; aggravated manslaughter of an elderly person or disabled adult; aggravated manslaughter of a child; unlawful throwing, placing, or discharging of a destructive device or bomb; armed burglary; aggravated battery; and aggravated stalking. Violating any of these no contact orders would remain a third degree felony under the bill.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

¹ A third degree felony is punishable by up to five years imprisonment and a \$5,000 fine. ss. 775.082, 775.083, and s. 775.084, F.S.

² s. 921.244, F.S.

³ *Id.*

⁴ *Id.*

⁵ s. 948.30, F.S.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Criminal Justice Impact Conference determined that the bill would result in an insignificant prison bed impact.

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.)**CS by Criminal Justice on February 6, 2008:**

- References the specific statute, s. 775.084(1)(b)1.a.-o., F.S., containing the enumerated violent offenses rather than listing them.
- Deletes the guardian ad litem provision.

B. Amendments:

None.