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1 A bill to be entitled
2 An act relating to parole interview dates for certain
3 inmates; amending ss. 947.16, 947.174, and 947.1745, F.S.;
4 extending from 5 to 7 years the period between parole
5 interview dates for inmates convicted of violating
6 specified provisions or serving a mandatory minimum
7 sentence under a specified provision; providing an
8 effective date.

9
10 Be It Enacted by the Legislature of the State of Florida:

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12 Section 1. Paragraph (g) of subsection (4) of section
13 947.16, Florida Statutes, is amended to read:

14 947.16 Eligibility for parole; initial parole interviews;
15 powers and duties of commission.--

16 (4) A person who has become eligible for an initial parole
17 interview and who may, according to the objective parole
18 guidelines of the commission, be granted parole shall be placed
19 on parole in accordance with the provisions of this law; except
20 that, in any case of a person convicted of murder, robbery,
21 burglary of a dwelling or burglary of a structure or conveyance
22 in which a human being is present, aggravated assault,
23 aggravated battery, kidnapping, sexual battery or attempted
24 sexual battery, incest or attempted incest, an unnatural and
25 lascivious act or an attempted unnatural and lascivious act,
26 lewd and lascivious behavior, assault or aggravated assault when
27 a sexual act is completed or attempted, battery or aggravated
28 battery when a sexual act is completed or attempted, arson, or

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29 | any felony involving the use of a firearm or other deadly weapon
30 | or the use of intentional violence, at the time of sentencing
31 | the judge may enter an order retaining jurisdiction over the
32 | offender for review of a commission release order. This
33 | jurisdiction of the trial court judge is limited to the first
34 | one-third of the maximum sentence imposed. When any person is
35 | convicted of two or more felonies and concurrent sentences are
36 | imposed, then the jurisdiction of the trial court judge as
37 | provided herein applies to the first one-third of the maximum
38 | sentence imposed for the highest felony of which the person was
39 | convicted. When any person is convicted of two or more felonies
40 | and consecutive sentences are imposed, then the jurisdiction of
41 | the trial court judge as provided herein applies to one-third of
42 | the total consecutive sentences imposed.

43 | (g) The decision of the original sentencing judge or, in
44 | her or his absence, the chief judge of the circuit to vacate any
45 | parole release order as provided in this section is not
46 | appealable. Each inmate whose parole release order has been
47 | vacated by the court shall be reinterviewed within 2 years after
48 | the date of receipt of the vacated release order and every 2
49 | years thereafter, or earlier by order of the court retaining
50 | jurisdiction. However, each inmate whose parole release order
51 | has been vacated by the court and who has been:

- 52 | 1. Convicted of murder or attempted murder;
- 53 | 2. Convicted of sexual battery or attempted sexual
54 | battery; or
- 55 | 3. Sentenced to a 25-year minimum mandatory sentence
56 | previously provided in s. 775.082,

57
58 shall be reinterviewed once within 7 ~~5~~ years after the date of
59 receipt of the vacated release order and once every 7 ~~5~~ years
60 thereafter, if the commission finds that it is not reasonable to
61 expect that parole would be granted during the following years
62 and states the bases for the finding in writing. For any inmate
63 who is within 7 years of his or her tentative release date, the
64 commission may establish a reinterview date prior to the 7-year
65 ~~5-year~~ schedule.

66 Section 2. Paragraph (b) of subsection (1) of section
67 947.174, Florida Statutes, is amended to read:

68 947.174 Subsequent interviews.--

69 (1)

70 (b) For any inmate convicted of murder, attempted murder,
71 sexual battery, attempted sexual battery, or who has been
72 sentenced to a 25-year minimum mandatory sentence previously
73 provided in s. 775.082, and whose presumptive parole release
74 date is more than 7 ~~5~~ years after the date of the initial
75 interview, a hearing examiner shall schedule an interview for
76 review of the presumptive parole release date. Such interview
77 shall take place once within 7 ~~5~~ years after the initial
78 interview and once every 7 ~~5~~ years thereafter if the commission
79 finds that it is not reasonable to expect that parole will be
80 granted at a hearing during the following years and states the
81 bases for the finding in writing. For any inmate who is within 7
82 years of his or her tentative release date, the commission may
83 establish an interview date prior to the 7-year ~~5-year~~ schedule.

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84 Section 3. Subsection (6) of section 947.1745, Florida
85 Statutes, is amended to read:

86 947.1745 Establishment of effective parole release
87 date.--If the inmate's institutional conduct has been
88 satisfactory, the presumptive parole release date shall become
89 the effective parole release date as follows:

90 (6) Within 90 days before the effective parole release
91 date interview, the commission shall send written notice to the
92 sentencing judge of any inmate who has been scheduled for an
93 effective parole release date interview. If the sentencing judge
94 is no longer serving, the notice must be sent to the chief judge
95 of the circuit in which the offender was sentenced. The chief
96 judge may designate any circuit judge within the circuit to act
97 in the place of the sentencing judge. Within 30 days after
98 receipt of the commission's notice, the sentencing judge, or the
99 designee, shall send to the commission notice of objection to
100 parole release, if the judge objects to such release. If there
101 is objection by the judge, such objection may constitute good
102 cause in exceptional circumstances as described in s. 947.173,
103 and the commission may schedule a subsequent review within 2
104 years, extending the presumptive parole release date beyond that
105 time. However, for an inmate who has been:

106 (a) Convicted of murder or attempted murder;

107 (b) Convicted of sexual battery or attempted sexual
108 battery; or

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

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112 | the commission may schedule a subsequent review under this
113 | subsection once every 7 ~~5~~ years, extending the presumptive
114 | parole release date beyond that time if the commission finds
115 | that it is not reasonable to expect that parole would be granted
116 | at a review during the following years and states the bases for
117 | the finding in writing. For any inmate who is within 7 years of
118 | his or her release date, the commission may schedule a
119 | subsequent review prior to the 7-year ~~5-year~~ schedule. With any
120 | subsequent review the same procedure outlined above will be
121 | followed. If the judge remains silent with respect to parole
122 | release, the commission may authorize an effective parole
123 | release date. This subsection applies if the commission desires
124 | to consider the establishment of an effective release date
125 | without delivery of the effective parole release date interview.
126 | Notice of the effective release date must be sent to the
127 | sentencing judge, and either the judge's response to the notice
128 | must be received or the time period allowed for such response
129 | must elapse before the commission may authorize an effective
130 | release date.

131 | Section 4. This act shall take effect July 1, 2010.