

By Senator Evers

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1 A bill to be entitled
2 An act relating to parole interviews for certain
3 inmates; amending ss. 947.16, 947.174, and 947.1745,
4 F.S.; extending from 2 years to 7 years the period
5 between parole interview dates for inmates convicted
6 of committing specified crimes; requiring a periodic
7 parole interview for an inmate convicted of
8 kidnapping, robbery, burglary of a dwelling, or
9 burglary of a structure or conveyance in which a human
10 being is present and a sexual act is completed or
11 attempted; providing an effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Paragraph (g) of subsection (4) of section
16 947.16, Florida Statutes, is amended to read:

17 947.16 Eligibility for parole; initial parole interviews;
18 powers and duties of commission.—

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

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

46 (g) The decision of the original sentencing judge or, in
47 her or his absence, the chief judge of the circuit to vacate any
48 parole release order as provided in this section is not
49 appealable. Each inmate whose parole release order has been
50 vacated by the court shall be reinterviewed within 7 ~~2~~ years
51 after the date of receipt of the vacated release order and every
52 7 ~~2~~ years thereafter, or earlier by order of the court retaining
53 jurisdiction. However, each inmate whose parole release order
54 has been vacated by the court and who has been:

- 55 1. Convicted of murder or attempted murder;
- 56 2. Convicted of sexual battery or attempted sexual battery;

57 ~~or~~

- 58 3. Convicted of kidnapping;

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59 4. Convicted of robbery, burglary of a dwelling, or
60 burglary of a structure or conveyance in which a human being is
61 present and a sexual act is completed or attempted; or

62 ~~5.3.~~ Sentenced to a 25-year minimum mandatory sentence
63 previously provided in s. 775.082,

64
65 shall be reinterviewed once within 7 years after the date of
66 receipt of the vacated release order and once every 7 years
67 thereafter, if the commission finds that it is not reasonable to
68 expect that parole would be granted during the following years
69 and states the bases for the finding in writing. For any inmate
70 who is within 7 years of his or her tentative release date, the
71 commission may establish a reinterview date prior to the 7-year
72 schedule.

73 Section 2. Paragraphs (a) and (b) of subsection (1) of
74 section 947.174, Florida Statutes, are amended to read:

75 947.174 Subsequent interviews.—

76 (1) (a) For any inmate, except an inmate convicted of an
77 offense enumerated in paragraph (b), whose presumptive parole
78 release date falls more than 7 ~~2~~ years after the date of the
79 initial interview, a hearing examiner shall schedule an
80 interview for review of the presumptive parole release date.
81 Such interview shall take place within 7 ~~2~~ years after the
82 initial interview and every 7 ~~2~~ years thereafter.

83 (b) For any inmate convicted of murder, attempted murder,
84 sexual battery, or attempted sexual battery, kidnapping,
85 robbery, burglary of a dwelling, or burglary of a structure or
86 conveyance in which a human being is present and a sexual act is
87 completed or attempted, or any inmate who has been sentenced to

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88 a 25-year minimum mandatory sentence previously provided in s.
89 775.082, and whose presumptive parole release date is more than
90 7 years after the date of the initial interview, a hearing
91 examiner shall schedule an interview for review of the
92 presumptive parole release date. The interview shall take place
93 once within 7 years after the initial interview and once every 7
94 years thereafter if the commission finds that it is not
95 reasonable to expect that parole will be granted at a hearing
96 during the following years and states the bases for the finding
97 in writing. For any inmate who is within 7 years of his or her
98 tentative release date, the commission may establish an
99 interview date before the 7-year schedule.

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

102 947.1745 Establishment of effective parole release date.—If
103 the inmate's institutional conduct has been satisfactory, the
104 presumptive parole release date shall become the effective
105 parole release date as follows:

106 (6) Within 90 days before the effective parole release date
107 interview, the commission shall send written notice to the
108 sentencing judge of any inmate who has been scheduled for an
109 effective parole release date interview. If the sentencing judge
110 is no longer serving, the notice must be sent to the chief judge
111 of the circuit in which the offender was sentenced. The chief
112 judge may designate any circuit judge within the circuit to act
113 in the place of the sentencing judge. Within 30 days after
114 receipt of the commission's notice, the sentencing judge, or the
115 designee, shall send to the commission notice of objection to
116 parole release, if the judge objects to such release. If there

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117 is objection by the judge, such objection may constitute good
118 cause in exceptional circumstances as described in s. 947.173,
119 and the commission may schedule a subsequent review within 7 ~~2~~
120 years, extending the presumptive parole release date beyond that
121 time. However, for an inmate who has been:

122 (a) Convicted of murder or attempted murder;

123 (b) Convicted of sexual battery or attempted sexual
124 battery; ~~or~~

125 (c) Convicted of kidnapping;

126 (d) Convicted of robbery, burglary of a dwelling, or
127 burglary of a structure or conveyance in which a human being is
128 present and a sexual act is completed or attempted; or

129 (e) ~~(e)~~ Sentenced to a 25-year minimum mandatory sentence
130 previously provided in s. 775.082,

131
132 the commission may schedule a subsequent review under this
133 subsection once every 7 years, extending the presumptive parole
134 release date beyond that time if the commission finds that it is
135 not reasonable to expect that parole would be granted at a
136 review during the following years and states the bases for the
137 finding in writing. For any inmate who is within 7 years of his
138 or her release date, the commission may schedule a subsequent
139 review prior to the 7-year schedule. With any subsequent review
140 the same procedure outlined above will be followed. If the judge
141 remains silent with respect to parole release, the commission
142 may authorize an effective parole release date. This subsection
143 applies if the commission desires to consider the establishment
144 of an effective release date without delivery of the effective
145 parole release date interview. Notice of the effective release

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146 date must be sent to the sentencing judge, and either the
147 judge's response to the notice must be received or the time
148 period allowed for such response must elapse before the
149 commission may authorize an effective release date.

150 Section 4. This act shall take effect July 1, 2011.