

By Senator Wise

5-01451-11

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1                   A bill to be entitled  
 2           An act relating to violations of conditional release,  
 3           control release, conditional medical release, or  
 4           addiction-recovery supervision; amending s. 947.141,  
 5           F.S.; authorizing the Parole Commission to order that  
 6           a releasee who has violated the conditions of release  
 7           or supervision be placed into a state prison;  
 8           providing guidelines and time limits with respect to  
 9           such placement; providing an effective date.

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

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 13           Section 1. Subsections (4) and (5) of section 947.141,  
 14 Florida Statutes, are amended to read:

15           947.141 Violations of conditional release, control release,  
 16 or conditional medical release or addiction-recovery  
 17 supervision.—

18           (4) Within a reasonable time following the hearing, the  
 19 commissioner or the commissioner's duly authorized  
 20 representative who conducted the hearing shall make findings of  
 21 fact in regard to the alleged violation. A panel of no fewer  
 22 than two commissioners shall enter an order determining whether  
 23 the charge of violation of conditional release, control release,  
 24 conditional medical release, or addiction-recovery supervision  
 25 has been sustained based upon the findings of fact presented by  
 26 the hearing commissioner or authorized representative. By such  
 27 order, the panel may revoke conditional release, control  
 28 release, conditional medical release, or addiction-recovery  
 29 supervision and ~~thereby~~ return the releasee to prison to serve

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30 the sentence imposed, reinstate the original order granting the  
31 release, or enter such other order as it considers proper.  
32 Effective for inmates whose offenses were committed on or after  
33 July 1, 1995, the panel may order the placement of a releasee,  
34 upon a finding of violation pursuant to this subsection, into a  
35 state prison, as defined by s. 944.08, or a local detention  
36 facility as a condition of supervision.

37 (5) Effective for inmates whose offenses were committed on  
38 or after July 1, 1995, notwithstanding the provisions of ss.  
39 775.08, former 921.001, 921.002, 921.187, 921.188, 944.02, and  
40 951.23, or any other law to the contrary, by such order as  
41 provided in subsection (4), the panel, upon a finding of guilt,  
42 may, as a condition of continued supervision, place the releasee  
43 in a state prison or local detention facility for a period of  
44 incarceration not to exceed 22 months. Before ~~Prior to~~ the  
45 expiration of the term of incarceration, or upon recommendation  
46 of the warden or chief correctional officer of that county, the  
47 commission shall cause inquiry into the inmate's release plan  
48 and custody status in the state prison or detention facility and  
49 consider whether to restore the inmate to supervision, modify  
50 the conditions of supervision, or enter an order of revocation,  
51 thereby causing the return of the inmate to prison to serve the  
52 sentence imposed. ~~The provisions of~~ This section does ~~do~~ not  
53 prohibit the panel from entering such other order or conducting  
54 any investigation that it deems proper. The commission may ~~only~~  
55 place a person in a local detention facility pursuant to this  
56 section only if there is a contractual agreement between the  
57 chief correctional officer of that county and the Department of  
58 Corrections. The agreement must provide for a per diem

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59 reimbursement for each person placed under this section, which  
60 is payable by the Department of Corrections for the duration of  
61 the offender's placement in the facility. This section does not  
62 limit the commission's ability to place a person in a state  
63 prison or local detention facility for less than 1 year.

64 Section 2. This act shall take effect July 1, 2011.