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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,
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
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 2 years after
51 | the date of receipt of the vacated release order and every 2
52 | 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

57 battery; ~~or~~
 58 3. Convicted of kidnapping;
 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. Paragraph (b) of subsection (1) of section
 74 947.174, Florida Statutes, is amended to read:
 75 947.174 Subsequent interviews.—
 76 (1)
 77 (b) For any inmate convicted of murder, attempted murder,
 78 sexual battery, ~~or attempted sexual battery,~~ kidnapping,
 79 robbery, burglary of a dwelling, or burglary of a structure or
 80 conveyance in which a human being is present and a sexual act is
 81 completed or attempted, or any inmate who has been sentenced to
 82 a 25-year minimum mandatory sentence previously provided in s.
 83 775.082, and whose presumptive parole release date is more than
 84 7 years after the date of the initial interview, a hearing

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85 examiner shall schedule an interview for review of the
86 presumptive parole release date. The interview shall take place
87 once within 7 years after the initial interview and once every 7
88 years thereafter if the commission finds that it is not
89 reasonable to expect that parole will be granted at a hearing
90 during the following years and states the bases for the finding
91 in writing. For any inmate who is within 7 years of his or her
92 tentative release date, the commission may establish an
93 interview date before the 7-year schedule.

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

96 947.1745 Establishment of effective parole release date.—
97 If the inmate's institutional conduct has been satisfactory, the
98 presumptive parole release date shall become the effective
99 parole release date as follows:

100 (6) Within 90 days before the effective parole release
101 date interview, the commission shall send written notice to the
102 sentencing judge of any inmate who has been scheduled for an
103 effective parole release date interview. If the sentencing judge
104 is no longer serving, the notice must be sent to the chief judge
105 of the circuit in which the offender was sentenced. The chief
106 judge may designate any circuit judge within the circuit to act
107 in the place of the sentencing judge. Within 30 days after
108 receipt of the commission's notice, the sentencing judge, or the
109 designee, shall send to the commission notice of objection to
110 parole release, if the judge objects to such release. If there
111 is objection by the judge, such objection may constitute good
112 cause in exceptional circumstances as described in s. 947.173,

113 and the commission may schedule a subsequent review within 2
 114 years, extending the presumptive parole release date beyond that
 115 time. However, for an inmate who has been:

116 (a) Convicted of murder or attempted murder;

117 (b) Convicted of sexual battery or attempted sexual
 118 battery; ~~or~~

119 (c) Convicted of kidnapping;

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

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

125
 126 the commission may schedule a subsequent review under this
 127 subsection once every 7 years, extending the presumptive parole
 128 release date beyond that time if the commission finds that it is
 129 not reasonable to expect that parole would be granted at a
 130 review during the following years and states the bases for the
 131 finding in writing. For any inmate who is within 7 years of his
 132 or her release date, the commission may schedule a subsequent
 133 review prior to the 7-year schedule. With any subsequent review
 134 the same procedure outlined above will be followed. If the judge
 135 remains silent with respect to parole release, the commission
 136 may authorize an effective parole release date. This subsection
 137 applies if the commission desires to consider the establishment
 138 of an effective release date without delivery of the effective
 139 parole release date interview. Notice of the effective release
 140 date must be sent to the sentencing judge, and either the

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141 | judge's response to the notice must be received or the time
142 | period allowed for such response must elapse before the
143 | commission may authorize an effective release date.

144 | Section 4. This act shall take effect July 1, 2012.