

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 kidnapping  
8           or robbery, burglary of a dwelling, or burglary of a  
9           structure or conveyance in which a human being is  
10          present and a sexual act is completed or attempted;  
11          providing an effective date.

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

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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  
 78 murder; sexual battery; attempted sexual battery;  
 79 kidnapping; or robbery, burglary of a dwelling, or burglary of a  
 80 structure or conveyance in which a human being is present and a  
 81 sexual act is completed or attempted; or any inmate who has  
 82 been sentenced to a 25-year minimum mandatory sentence  
 83 previously provided in s. 775.082, and whose presumptive parole  
 84 release date is more than 7 years after the date of the initial

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