



594668

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
01/31/2012	.	
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	.	

The Committee on Criminal Justice (Evers) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

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

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

(4) A person who has become eligible for an initial parole interview and who may, according to the objective parole guidelines of the commission, be granted parole shall be placed



594668

13 on parole in accordance with the provisions of this law; except
14 that, in any case of a person convicted of murder, robbery,
15 burglary of a dwelling or burglary of a structure or conveyance
16 in which a human being is present, aggravated assault,
17 aggravated battery, kidnapping, sexual battery or attempted
18 sexual battery, incest or attempted incest, an unnatural and
19 lascivious act or an attempted unnatural and lascivious act,
20 lewd and lascivious behavior, assault or aggravated assault when
21 a sexual act is completed or attempted, battery or aggravated
22 battery when a sexual act is completed or attempted, arson, or
23 any felony involving the use of a firearm or other deadly weapon
24 or the use of intentional violence, at the time of sentencing
25 the judge may enter an order retaining jurisdiction over the
26 offender for review of a commission release order. This
27 jurisdiction of the trial court judge is limited to the first
28 one-third of the maximum sentence imposed. When any person is
29 convicted of two or more felonies and concurrent sentences are
30 imposed, then the jurisdiction of the trial court judge as
31 provided herein applies to the first one-third of the maximum
32 sentence imposed for the highest felony of which the person was
33 convicted. When any person is convicted of two or more felonies
34 and consecutive sentences are imposed, then the jurisdiction of
35 the trial court judge as provided herein applies to one-third of
36 the total consecutive sentences imposed.

37 (g) The decision of the original sentencing judge or, in
38 her or his absence, the chief judge of the circuit to vacate any
39 parole release order as provided in this section is not
40 appealable. Each inmate whose parole release order has been
41 vacated by the court shall be reinterviewed within 2 years after



594668

42 the date of receipt of the vacated release order and every 2
43 years thereafter, or earlier by order of the court retaining
44 jurisdiction. However, each inmate whose parole release order
45 has been vacated by the court and who has been:

- 46 1. Convicted of murder or attempted murder;
47 2. Convicted of sexual battery or attempted sexual battery;

48 ~~or~~

- 49 3. Convicted of kidnapping;
50 4. Convicted of robbery, burglary of a dwelling, or
51 burglary of a structure or conveyance in which a human being is
52 present and a sexual act is completed or attempted; or

53 5.3. Sentenced to a 25-year minimum mandatory sentence
54 previously provided in s. 775.082,

55
56 shall be reinterviewed once within 7 years after the date of
57 receipt of the vacated release order and once every 7 years
58 thereafter, if the commission finds that it is not reasonable to
59 expect that parole would be granted during the following years
60 and states the bases for the finding in writing. For any inmate
61 who is within 7 years of his or her tentative release date, the
62 commission may establish a reinterview date prior to the 7-year
63 schedule.

64 Section 2. Paragraph (b) of subsection (1) of section
65 947.174, Florida Statutes, is amended to read:

66 947.174 Subsequent interviews.—

67 (1)

68 (b) For any inmate convicted of murder, attempted murder,
69 sexual battery, ~~or~~ attempted sexual battery, kidnapping, or
70 robbery, burglary of a dwelling, or burglary of a structure or



594668

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

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

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

91 (6) Within 90 days before the effective parole release date
92 interview, the commission shall send written notice to the
93 sentencing judge of any inmate who has been scheduled for an
94 effective parole release date interview. If the sentencing judge
95 is no longer serving, the notice must be sent to the chief judge
96 of the circuit in which the offender was sentenced. The chief
97 judge may designate any circuit judge within the circuit to act
98 in the place of the sentencing judge. Within 30 days after
99 receipt of the commission's notice, the sentencing judge, or the



594668

100 designee, shall send to the commission notice of objection to
101 parole release, if the judge objects to such release. If there
102 is objection by the judge, such objection may constitute good
103 cause in exceptional circumstances as described in s. 947.173,
104 and the commission may schedule a subsequent review within 2
105 years, extending the presumptive parole release date beyond that
106 time. However, for an inmate who has been:

107 (a) Convicted of murder or attempted murder;

108 (b) Convicted of sexual battery or attempted sexual
109 battery; ~~or~~

110 (c) Convicted of kidnapping;

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

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

116

117 the commission may schedule a subsequent review under this
118 subsection once every 7 years, extending the presumptive parole
119 release date beyond that time if the commission finds that it is
120 not reasonable to expect that parole would be granted at a
121 review during the following years and states the bases for the
122 finding in writing. For any inmate who is within 7 years of his
123 or her release date, the commission may schedule a subsequent
124 review prior to the 7-year schedule. With any subsequent review
125 the same procedure outlined above will be followed. If the judge
126 remains silent with respect to parole release, the commission
127 may authorize an effective parole release date. This subsection
128 applies if the commission desires to consider the establishment



594668

129 of an effective release date without delivery of the effective
130 parole release date interview. Notice of the effective release
131 date must be sent to the sentencing judge, and either the
132 judge's response to the notice must be received or the time
133 period allowed for such response must elapse before the
134 commission may authorize an effective release date.

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

136
137 ===== T I T L E A M E N D M E N T =====

138 And the title is amended as follows:

139
140 Delete everything before the enacting clause
141 and insert:

142
143 A bill to be entitled
144 An act relating to parole interview dates for certain
145 inmates; amending ss. 947.16, 947.174, and 947.1745,
146 F.S.; extending from 2 years to 7 years the period
147 between parole interview dates for inmates convicted
148 of committing specified crimes; requiring a periodic
149 parole interview for an inmate convicted of
150 kidnapping, or robbery, burglary of a dwelling, or
151 burglary of a structure or conveyance in which a human
152 being is present and a sexual act is completed or
153 attempted; providing an effective date.