

1                   A bill to be entitled  
2           An act relating to sexual predators and offenders;  
3           creating s. 921.2312, F.S.; requiring a circuit court  
4           of the state to have a qualified practitioner conduct  
5           a risk assessment before sentencing for a defendant  
6           who has been found guilty of or has entered a plea of  
7           nolo contendere or guilty to specified sexual  
8           offenses; specifying reporting requirements for the  
9           risk assessment; amending s. 948.30, F.S.; requiring  
10          the court to order a curfew as a condition of  
11          probation or community control for offenders who  
12          commit certain sexual offenses on or after a specified  
13          date; amending s. 948.31, F.S.; requiring, rather than  
14          authorizing, the court to require specified  
15          probationers or community controllees to undergo an  
16          evaluation at the probationers' or community  
17          controllees' expense; requiring the court, rather than  
18          the qualified practitioner, to determine if a need is  
19          established by the evaluation process and to require  
20          the probationers or community controllees to complete  
21          and pay for the treatment under certain circumstances;  
22          providing an effective date.

23  
24   Be It Enacted by the Legislature of the State of Florida:

25  
26          Section 1.   Section 921.2312, Florida Statutes, is created

27 to read:

28 921.2312 Risk assessment reports.—If a defendant in a  
29 criminal case has been found guilty of or has entered a plea of  
30 nolo contendere or guilty to an offense listed in s.  
31 943.0435(1)(a)1.a.(I) which was committed on or after October 1,  
32 2015, a circuit court of the state shall refer the case to a  
33 qualified practitioner as defined in s. 948.001. The qualified  
34 practitioner shall assess the defendant by considering the  
35 components specified in s. 948.30(1)(e)1.a.-i. and submit a  
36 written report to the circuit court at a time specified by the  
37 court, before sentencing. The report must include the qualified  
38 practitioner's opinion, along with the basis for that opinion,  
39 as to the defendant's risk of committing another sexual offense.

40 Section 2. Subsection (6) is added to section 948.30,  
41 Florida Statutes, to read:

42 948.30 Additional terms and conditions of probation or  
43 community control for certain sex offenses.—Conditions imposed  
44 pursuant to this section do not require oral pronouncement at  
45 the time of sentencing and shall be considered standard  
46 conditions of probation or community control for offenders  
47 specified in this section.

48 (6) Effective for a probationer or community controllee  
49 whose crime was committed on or after October 1, 2015, and who:

50 (a) Is placed on probation or community control for a  
51 violation of chapter 794, s. 800.04(4), (5), or (6), s. 827.071,  
52 or s. 847.0145 relating to unlawful sexual activity involving a

53 victim 15 years of age or younger and the offender was 18 years  
 54 of age or older at the time of the offense;

55 (b) Is required to register as a sexual predator under s.  
 56 775.21;

57 (c) Is required to register as a sexual offender under s.  
 58 943.0435, s. 944.606, or s. 944.607; or

59 (d) Has previously been convicted of a violation of  
 60 chapter 794, s. 800.04(4), (5), or (6), s. 827.071, or s.  
 61 847.0145 relating to unlawful sexual activity involving a victim  
 62 15 years of age or younger and the offender was 18 years of age  
 63 or older at the time of the offense,

64  
 65 the court must order, in addition to any other provision of this  
 66 section, a mandatory curfew from 7 p.m. to 7 a.m. as a condition  
 67 of the probation or community control supervision. The court may  
 68 designate alternate hours if the offender's employment or public  
 69 service precludes this specified time and the alternative is  
 70 recommended by the Department of Corrections. The court may also  
 71 limit the offender's whereabouts by requiring the offender to be  
 72 at home if the offender is not working, performing public  
 73 service, or receiving treatment. If the court determines that  
 74 imposing a curfew would endanger the victim, the court may  
 75 consider alternative sanctions.

76 Section 3. Section 948.31, Florida Statutes, is amended to  
 77 read:

78 948.31 Evaluation and treatment of sexual predators and

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79 offenders on probation or community control.—The court shall ~~may~~  
80 require any probationer or community controllee who is required  
81 to register as a sexual predator under s. 775.21 or sexual  
82 offender under s. 943.0435, s. 944.606, or s. 944.607 to undergo  
83 an evaluation, at the probationer or community controllee's  
84 expense, by a qualified practitioner to determine whether such  
85 probationer or community controllee needs sexual offender  
86 treatment. If the court ~~qualified practitioner~~ determines that a  
87 need is established by the evaluation process, the court shall  
88 require sexual offender treatment is needed and recommends  
89 ~~treatment,~~ the probationer or community controllee to ~~must~~  
90 successfully complete and pay for the treatment. Such treatment  
91 must be obtained from a qualified practitioner as defined in s.  
92 948.001. Treatment may not be administered by a qualified  
93 practitioner who has been convicted or adjudicated delinquent of  
94 committing, or attempting, soliciting, or conspiring to commit,  
95 any offense that is listed in s. 943.0435(1)(a)1.a.(I).

96 Section 4. This act shall take effect July 1, 2015.