

By Senator Rouson

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1 A bill to be entitled
2 An act relating to the conditional release program;
3 amending s. 947.1405, F.S.; providing that persons
4 convicted of a non-capital offense and sentenced for a
5 life term qualify for conditional release under
6 certain conditions; requiring that the Department of
7 Corrections on a specified date review certain records
8 of persons serving life sentences and compile such
9 information for the Florida Commission on Offender
10 Review to use in making certain determinations
11 regarding conditional release; providing an effective
12 date.

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

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16 Section 1. Subsection (2) and (5) of section 947.1405,
17 Florida Statutes, are amended to read:

18 947.1405 Conditional release program.—

19 (2) Any inmate who:

20 (a) Is convicted of a crime committed on or after October
21 1, 1988, and before January 1, 1994, and any inmate who is
22 convicted of a crime committed on or after January 1, 1994,
23 which crime is or was contained in category 1, category 2,
24 category 3, or category 4 of Rule 3.701 and Rule 3.988, Florida
25 Rules of Criminal Procedure (1993), and who has served at least
26 one prior felony commitment at a state or federal correctional
27 institution;

28 (b) Is sentenced as a habitual or violent habitual offender
29 or a violent career criminal pursuant to s. 775.084; ~~or~~

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30 (c) Is found to be a sexual predator under s. 775.21 or
31 former s. 775.23; or

32 (d) Is convicted of a noncapital offense and sentenced for
33 a term of life,

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35 shall, upon reaching the tentative release date or provisional
36 release date or serving 20 years of a life term sentence with no
37 record of disciplinary violations during that time, whichever
38 occurs ~~is~~ earlier, as established by the Department of
39 Corrections, be released under supervision subject to specified
40 terms and conditions, including payment of the cost of
41 supervision pursuant to s. 948.09. Such supervision shall be
42 applicable to all sentences within the overall term of sentences
43 if an inmate's overall term of sentences includes one or more
44 sentences that are eligible for conditional release supervision
45 as provided herein. Effective July 1, 1994, and applicable for
46 offenses committed on or after that date, the commission may
47 require, as a condition of conditional release, that the
48 releasee make payment of the debt due and owing to a county or
49 municipal detention facility under s. 951.032 for medical care,
50 treatment, hospitalization, or transportation received by the
51 releasee while in that detention facility. The commission, in
52 determining whether to order such repayment and the amount of
53 such repayment, shall consider the amount of the debt, whether
54 there was any fault of the institution for the medical expenses
55 incurred, the financial resources of the releasee, the present
56 and potential future financial needs and earning ability of the
57 releasee, and dependents, and other appropriate factors. If any
58 inmate placed on conditional release supervision is also subject

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59 to probation or community control, resulting from a probationary
60 or community control split sentence within the overall term of
61 sentences, the Department of Corrections shall supervise such
62 person according to the conditions imposed by the court and the
63 commission shall defer to such supervision. If the court revokes
64 probation or community control and resentences the offender to a
65 term of incarceration, such revocation also constitutes a
66 sufficient basis for the revocation of the conditional release
67 supervision on any nonprobationary or noncommunity control
68 sentence without further hearing by the commission. If any such
69 supervision on any nonprobationary or noncommunity control
70 sentence is revoked, such revocation may result in a forfeiture
71 of all gain-time, and the commission may revoke the resulting
72 deferred conditional release supervision or take other action it
73 considers appropriate. If the term of conditional release
74 supervision exceeds that of the probation or community control,
75 then, upon expiration of the probation or community control,
76 authority for the supervision shall revert to the commission and
77 the supervision shall be subject to the conditions imposed by
78 the commission. A panel of no fewer than two commissioners shall
79 establish the terms and conditions of any such release. If the
80 offense was a controlled substance violation, the conditions
81 shall include a requirement that the offender submit to random
82 substance abuse testing intermittently throughout the term of
83 conditional release supervision, upon the direction of the
84 correctional probation officer as defined in s. 943.10(3). The
85 commission shall also determine whether the terms and conditions
86 of such release have been violated and whether such violation
87 warrants revocation of the conditional release.

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88 (5) Within 180 days prior to an inmate's ~~the~~ tentative
89 release date, ~~or~~ provisional release date, or completion of 20
90 years of a life term sentence, whichever occurs ~~is~~ earlier, a
91 representative of the department shall review the inmate's
92 program participation, disciplinary record, psychological and
93 medical records, criminal records, and any other information
94 pertinent to the impending release. The department shall gather
95 and compile information necessary for the commission to make the
96 determinations set forth in subsections (2) and ~~subsection~~ (3).
97 A department representative shall conduct a personal interview
98 with the inmate for the purpose of determining the details of
99 the inmate's release plan, including the inmate's planned
100 residence and employment. The department representative shall
101 forward the inmate's release plan to the commission and
102 recommend to the commission the terms and conditions of the
103 conditional release.

104 Section 2. This act shall take effect July 1, 2017.