

By Senator Rouson

19-00264-18

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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 noncapital offense and sentenced for a  
5           life term qualify for conditional release, subject to  
6           certain terms and conditions; requiring that the  
7           Department of Corrections within a specified timeframe  
8           review certain records of persons serving life-term  
9           sentences and compile such information for the Florida  
10          Commission on Offender Review to use in making certain  
11          determinations regarding conditional release;  
12          providing an effective date.

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

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16           Section 1. Subsections (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,

34  
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, 2018.