



Justice Appropriations Subcommittee

Wednesday, December 7, 2011

9:00 a.m. – 11:30 a.m.

Morris Hall

ACTION PACKET

Dean Cannon
Speaker

Richard Glorioso
Chair

Committee Meeting Notice
HOUSE OF REPRESENTATIVES

Justice Appropriations Subcommittee

Start Date and Time: Wednesday, December 07, 2011 09:00 am
End Date and Time: Wednesday, December 07, 2011 11:30 am
Location: Morris Hall (17 HOB)
Duration: 2.50 hrs

Consideration of the following bill(s):

CS/HB 329 Parole Interview Dates for Certain Inmates by Criminal Justice Subcommittee, Trujillo, Perry

For your convenience, the appearance request form on myfloridahouse.gov has been simplified. Before the meeting, please go to the web site and under the committee tab select our committee, then choose the appearance request form and follow the prompts. Please bring 2 copies of the form to the meeting and give to the administrative assistant.

NOTICE FINALIZED on 11/30/2011 15:58 by RSD

COMMITTEE MEETING REPORT
Justice Appropriations Subcommittee
12/7/2011 9:00:00AM

Location: Morris Hall (17 HOB)

Summary:

Justice Appropriations Subcommittee

Wednesday December 07, 2011 09:00 am

CS/HB 329 · Favorable With Committee Substitute
Amendment 617681 Adopted Without Objection

Yeas: 15 Nays: 0

Committee meeting was reported out: Wednesday, December 07, 2011 11:03:04AM

COMMITTEE MEETING REPORT
Justice Appropriations Subcommittee

12/7/2011 9:00:00AM

Location: Morris Hall (17 HOB)

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Richard Glorioso (Chair)	X		
Eric Eisnaugle	X		
James Grant	X		
Gayle Harrell	X		
Charles McBurney	X		
Larry Metz	X		
W. Keith Perry	X		
Ray Pilon	X		
Ari Porth	X		
Ronald Renuart	X		
Darryl Rouson	X		
Irving Slosberg	X		
Darren Soto	X		
Cynthia Stafford	X		
W. Gregory Steube	X		
Totals:	15	0	0

Committee meeting was reported out: Wednesday, December 07, 2011 11:03:04AM

COMMITTEE MEETING REPORT
Justice Appropriations Subcommittee

12/7/2011 9:00:00AM

Location: Morris Hall (17 HOB)

CS/HB 329 : Parole Interview Dates for Certain Inmates

Favorable With Committee Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Eric Eisnaugle	X				
James Grant	X				
Gayle Harrell	X				
Charles McBurney	X				
Larry Metz	X				
W. Keith Perry	X				
Ray Pilon	X				
Ari Porth	X				
Ronald Renuart	X				
Darryl Rouson	X				
Irving Slosberg	X				
Darren Soto	X				
Cynthia Stafford	X				
W. Gregory Steube	X				
Richard Glorioso (Chair)	X				
Total Yeas: 15		Total Nays: 0			

CS/HB 329 Amendments

Amendment 617681

Adopted Without Objection

Appearances:

speak to the bill, Inmate Extended Interviews
Pate, Tena (Lobbyist) (State Employee) - Proponent
The Florida Parole Commission
4070 Esplanade Way
Tallahassee FL
Phone: 921-2816

Parole Interview Dates for Certain Inmates
Kopczynski, Kenneth (Lobbyist) - Proponent
Florida Police Benevolent Association, Inc
300 E Brevard St
Tallahassee FL 32301
Phone: (850)222-3329

Parole Interview Dates for Certain Inmates
Webb, Katherine (Lobbyist) - Waive In Support
Florida Police Chiefs Association
215 S Monroe St
Tallahassee FL 32301
Phone: (850)228-6016

Committee meeting was reported out: **Wednesday, December 07, 2011 11:03:04AM**

COMMITTEE MEETING REPORT
Justice Appropriations Subcommittee

12/7/2011 9:00:00AM

Location: Morris Hall (17 HOB)

Parole Interview Dates for Certain Inmates
Howard, Jeanne (State Employee) - Waive In Support
State Attorney, 15th Judicial Circuit
401 N Dixie Hwy
West Palm Beach FL 33401
Phone: (561)355-7246

Parole Interview Dates for Certain Inmates
Poore, Terri (Lobbyist) - Waive In Support
Director of Public Affairs, Florida Council Against Sexual Violence
1820 East Park Avenue Suite 100
Tallahassee FL 32301
Phone: 850-363-2918

Parole Interview Dates for Certain Inmates
Rayborn, Keri (Lobbyist) - Waive In Support
Florida Sheriffs Association
PO Box 1565
Tallahassee FL 32302
Phone: (850)524-2394

Committee meeting was reported out: Wednesday, December 07, 2011 11:03:04AM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 329 (2012)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED ___ (Y/N)
ADOPTED AS AMENDED ___ (Y/N)
ADOPTED W/O OBJECTION X (Y/N)
FAILED TO ADOPT ___ (Y/N)
WITHDRAWN ___ (Y/N)
OTHER ___

1 Committee/Subcommittee hearing bill: Justice Appropriations
2 Subcommittee
3 Representative Trujillo offered the following:

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:
7 Section 1. Paragraph (g) of subsection (4) of section
8 947.16, Florida Statutes, is amended to read:

9 947.16 Eligibility for parole; initial parole interviews;
10 powers and duties of commission.-

11 (4) A person who has become eligible for an initial parole
12 interview and who may, according to the objective parole
13 guidelines of the commission, be granted parole shall be placed
14 on parole in accordance with the provisions of this law; except
15 that, in any case of a person convicted of murder, robbery,
16 burglary of a dwelling or burglary of a structure or conveyance
17 in which a human being is present, aggravated assault,
18 aggravated battery, kidnapping, sexual battery or attempted
19 sexual battery, incest or attempted incest, an unnatural and

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 329 (2012)

Amendment No.

20 lascivious act or an attempted unnatural and lascivious act,
21 lewd and lascivious behavior, assault or aggravated assault when
22 a sexual act is completed or attempted, battery or aggravated
23 battery when a sexual act is completed or attempted, arson, or
24 any felony involving the use of a firearm or other deadly weapon
25 or the use of intentional violence, at the time of sentencing
26 the judge may enter an order retaining jurisdiction over the
27 offender for review of a commission release order. This
28 jurisdiction of the trial court judge is limited to the first
29 one-third of the maximum sentence imposed. When any person is
30 convicted of two or more felonies and concurrent sentences are
31 imposed, then the jurisdiction of the trial court judge as
32 provided herein applies to the first one-third of the maximum
33 sentence imposed for the highest felony of which the person was
34 convicted. When any person is convicted of two or more felonies
35 and consecutive sentences are imposed, then the jurisdiction of
36 the trial court judge as provided herein applies to one-third of
37 the total consecutive sentences imposed.

38 (g) The decision of the original sentencing judge or, in
39 her or his absence, the chief judge of the circuit to vacate any
40 parole release order as provided in this section is not
41 appealable. Each inmate whose parole release order has been
42 vacated by the court shall be reinterviewed within 2 years after
43 the date of receipt of the vacated release order and every 2
44 years thereafter, or earlier by order of the court retaining
45 jurisdiction. However, each inmate whose parole release order
46 has been vacated by the court and who has been:

47 1. Convicted of murder or attempted murder;

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- 48 2. Convicted of sexual battery or attempted sexual
49 battery; ~~or~~
- 50 3. Convicted of kidnapping or attempted kidnapping;
- 51 4. Convicted of robbery, burglary of a dwelling, burglary
52 of a structure or conveyance, or breaking and entering, or the
53 attempt thereof of any of these crimes, in which a human being
54 is present and a sexual act is attempted or completed; or
- 55 ~~5.3.~~ Sentenced to a 25-year minimum mandatory sentence
56 previously provided in s. 775.082,
57
- 58 shall be reinterviewed once within 7 years after the date of
59 receipt of the vacated release order and once every 7 years
60 thereafter, if the commission finds that it is not reasonable to
61 expect that parole would be granted during the following years
62 and states the bases for the finding in writing. For an any
63 inmate who is within 7 years of his or her tentative release
64 date, the commission may establish a reinterview date before
65 ~~prior to~~ the 7-year schedule.
- 66 Section 2. Paragraph (b) of subsection (1) of section
67 947.174, Florida Statutes, is amended to read:
- 68 947.174 Subsequent interviews.-
- 69 (1)
- 70 (b) For any inmate convicted of murder; ~~attempted~~
71 murder; ~~sexual battery; attempted~~ sexual battery;
72 kidnapping; attempted kidnapping; or robbery, burglary of a
73 dwelling, burglary of a structure or conveyance, or breaking and
74 entering, or the attempt thereof of any of these crimes, in
75 which a human being is present and a sexual act is attempted or

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 329 (2012)

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76 | completed; or any inmate who has been sentenced to a 25-year
77 | minimum mandatory sentence previously provided in s. 775.082,
78 | and whose presumptive parole release date is more than 7 years
79 | after the date of the initial interview, a hearing examiner
80 | shall schedule an interview for review of the presumptive parole
81 | release date. The interview shall take place once within 7 years
82 | after the initial interview and once every 7 years thereafter if
83 | the commission finds that it is not reasonable to expect that
84 | parole will be granted at a hearing during the following years
85 | and states the bases for the finding in writing. For an any
86 | inmate who is within 7 years of his or her tentative release
87 | date, the commission may establish an interview date before the
88 | 7-year schedule.

89 | Section 3. Subsection (6) of section 947.1745, Florida
90 | Statutes, is amended to read:

91 | 947.1745 Establishment of effective parole release date.—
92 | If the inmate's institutional conduct has been satisfactory, the
93 | presumptive parole release date shall become the effective
94 | parole release date as follows:

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

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

111 | (a) Convicted of murder or attempted murder;

112 | (b) Convicted of sexual battery or attempted sexual
113 | battery; ~~or~~

114 | (c) Convicted of kidnapping or attempted kidnapping;

115 | (d) Convicted of robbery, burglary of a dwelling, burglary
116 | of a structure or conveyance, or breaking and entering, or the
117 | attempt thereof of any of these crimes, in which a human being
118 | is present and a sexual act is attempted or completed; or

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

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

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132 release, the commission may authorize an effective parole
133 release date. This subsection applies if the commission desires
134 to consider the establishment of an effective release date
135 without delivery of the effective parole release date interview.
136 Notice of the effective release date must be sent to the
137 sentencing judge, and either the judge's response to the notice
138 must be received or the time period allowed for such response
139 must elapse before the commission may authorize an effective
140 release date.

141 Section 4. For the purpose of incorporating the amendment
142 made by this act to section 947.1745, Florida Statutes, in a
143 reference thereto, Subsection (1) of section 947.165, Florida
144 Statutes, is reenacted to read:

145 947.165 Objective parole guidelines.—

146 (1) The commission shall develop and implement objective
147 parole guidelines which shall be the criteria upon which parole
148 decisions are made. The objective parole guidelines shall be
149 developed according to an acceptable research method and shall
150 be based on the seriousness of offense and the likelihood of
151 favorable parole outcome. The guidelines shall require the
152 commission to aggravate or aggregate each consecutive sentence
153 in establishing the presumptive parole release date. Factors
154 used in arriving at the salient factor score and the severity of
155 offense behavior category shall not be applied as aggravating
156 circumstances. If the sentencing judge files a written objection
157 to the parole release of an inmate as provided for in s.
158 947.1745(6), such objection may be used by the commission as a
159 basis to extend the presumptive parole release date.

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Section 5. This act shall take effect July 1, 2012.

T I T L E A M E N D M E N T

Remove lines 8-10 and insert:

attempted kidnapping, or robbery, burglary of a dwelling, or
burglary of a structure or conveyance, or breaking and entering,
or the attempt thereof of any of these crimes, in which a human
being is present and a sexual act is completed or attempted;