



Justice Appropriations Subcommittee

Wednesday, December 7, 2011

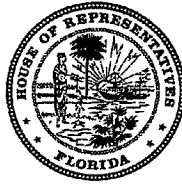
9:00 a.m. – 11:30 a.m.

Morris Hall

MEETING PACKET

Dean Cannon
Speaker

Richard Glorioso
Chair



The Florida House of Representatives

Justice Appropriations Subcommittee

Dean Cannon
Speaker

Richard Glorioso
Chair

AGENDA

Wednesday, December 7, 2011

9:00 a.m.

Morris Hall (17 HOB)

- I. Call to Order/Roll Call
- II. Opening Remarks
- III. **Consideration of the following bill(s):**

CS/HB 329 Parole Interview Dates for Certain Inmates by Criminal Justice Subcommittee,
Trujillo, Perry
- IV. Closing Remarks and Adjournment

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 329 Parole Interview Dates for Certain Inmates
SPONSOR(S): Criminal Justice Subcommittee, Trujillo, Perry, and others
TIED BILLS: None **IDEN./SIM. BILLS:** SB 506

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Criminal Justice Subcommittee	15 Y, 0 N, As CS	Krol	Cunningham
2) Justice Appropriations Subcommittee		McAuliffe <i>M</i>	Jones Darity <i>Jones Darity</i>
3) Judiciary Committee			

SUMMARY ANALYSIS

Currently, the Florida Parole Commission re-interviews parole eligible inmates to review the inmate's presumptive parole release date (PPRD). Generally, inmates are re-interviewed every two years. However, the statute provides for re-interviews every seven years if an inmate's PPRD is more than seven years from the date of the initial interview and if the inmate is serving a 25-year minimum mandatory sentence under s. 775.082, F.S., or the inmate was convicted of:

- Murder,
- Attempted murder, or
- Sexual battery or attempted sexual battery.

This bill increases the intervals between parole interview dates from two to seven years for inmates convicted of:

- Kidnapping; or
- Robbery, burglary of dwelling, or burglary of a structure or conveyance in which a human being is present and a sexual act is completed or attempted.

This bill will not have a fiscal impact on the Commission in Fiscal Year 2012-2013; however the bill will have a minimal positive fiscal impact in subsequent years. The bill is effective on July 1, 2012.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Parole is a discretionary prison release mechanism administered by the Florida Parole Commission (commission) through chs. 947, 948, and 949, F.S. An inmate who is granted parole is allowed to serve the remainder of his or her prison sentence outside of confinement according to terms and conditions established by the commission. Parolees are supervised by Correctional Probation Officers of the Department of Corrections (department). Parole is not available for most crimes that were committed on or after October 1, 1983.¹ There is no parole eligibility for any crime committed on or after October 1, 1995. The commission reports that currently there are 5,360 Florida inmates still eligible for parole consideration with about 489 under supervision in the community.²

The parole process begins with the setting of a presumptive parole release date (PPRD) by the commission after a hearing examiner reviews the inmate's file, conducts an initial interview with the inmate, and makes an initial recommendation to a panel of commissioners.³ The PPRD is the tentative parole release date as determined by objective parole guidelines.⁴ An inmate may request one review of the initial PPRD within 60 days after notification.⁵ Otherwise, the PPRD is not reviewed until a hearing examiner holds subsequent interviews with the inmate.⁶

Subsequent interviews for review of the PPRD may be held every two years or every seven years depending on the offense the inmate was convicted of.⁷ Generally, inmates are re-interviewed every two years.⁸ However, the statute provides for less frequent reviews if an inmate's PPRD is more than seven years from the date of the initial interview and if the inmate was convicted of: murder, attempted murder, sexual battery, or attempted sexual battery, or is serving a 25-year minimum mandatory sentence under s. 775.082, F.S.⁹ In such cases, the subsequent interviews may be conducted every seven years if the commission makes a written finding that it is not reasonable to expect that parole will be granted.^{10,11}

Subsequent interviews are limited to determining whether or not information has been gathered that might affect the PPRD.¹² The department is responsible for bringing to the attention of the commission any information that may be pertinent for review, such as an inmate's current progress reports, psychological reports, and disciplinary reports.¹³

After an interview is conducted the hearing examiner sends his or her report and recommendation to a panel of commissioners.¹⁴ The inmate's case is then added to the docket of the next available parole hearing date where the commission will hear public testimony and make a final decision regarding the

¹The exceptions are for capital felony murders committed prior to October 1, 1994, and capital felony sexual battery prior to October 1, 1995.

² E-mail from Sarah Rumph, Florida Parole Commission, November 4, 2011. (On file with subcommittee staff.)

³ Section 947.172, F.S.

⁴ Section 947.005(8), F.S.

⁵ Section 947.173(1), F.S.

⁶ Section 947.174, F.S.

⁷ *Id.*

⁸ *Id.*

⁹ Section 947.174(1)(b), F.S.

¹⁰ *Id.*

¹¹ In addition, s. 947.16(4), F.S., provides that at the time of sentencing, a judge may enter an order to retain jurisdiction over an offender for review of a commission release order to grant parole. If the judge vacates the parole release order and denies the parole, the offender shall be re-interviewed by the commission every two or seven years as determined by the same criteria described in this cited paragraph.

¹² Section 947.174(1)(c), F.S.

¹³ Section 947.174(3), F.S.

¹⁴ Rule 23-21.0052, F.A.C.

PPRD recommendation. Inmates are not permitted to attend parole hearings.¹⁵ At parole hearings, victims and their families, inmates' families, attorneys, law enforcement, and other interested parties may address the commission.¹⁶ The commission's Victims' Services unit provides advance notice to victims of upcoming parole proceedings.¹⁷

The hearing examiner conducts a final interview of the inmate within 90 days of the PPRD in order to set an effective parole release date and to establish a parole release plan.¹⁸ The commission is required to give notice to the sentencing court prior to this final interview.¹⁹ If the court objects to the offender's release, the objection can be an exceptional circumstance under s. 947.173, F.S., for the commission to cancel the final interview and reset the case for future review.²⁰ If the court does not object and the final interview is held, the commission then holds a final public hearing at which it decides whether the inmate's parole release plan is satisfactory and whether to authorize the effective parole release date and enter a release order.²¹

Proposed Changes

As noted above, the Florida Parole Commission re-interviews parole eligible inmates to review the inmate's presumptive parole release date (PPRD). Generally, inmates are re-interviewed every two years. However, the statute provides for re-interviews every seven years if an inmate's PPRD is more than seven years from the date of the initial interview and if the inmate is serving a 25-year minimum mandatory sentence under s. 775.082, F.S., or the inmate was convicted of:

- Murder,
- Attempted murder, or
- Sexual battery or attempted sexual battery.

This bill increases the intervals between parole interview dates from two to seven years for inmates convicted of:

- Kidnapping; or
- Robbery, burglary of dwelling, or burglary of a structure or conveyance in which a human being is present and a sexual act is completed or attempted.

B. SECTION DIRECTORY:

Section 1. Amends s. 947.16, F.S., relating to eligibility for parole; initial parole interviews; powers and duties of commission.

Section 2. Amends s. 947.174, F.S., relating to subsequent interviews.

Section 3. Amends s. 947.1745, F.S., relating to establishment of effective parole release date.

Section 4. Provides an effective date of July 1, 2012.

¹⁵ Rule 23-21.004, F.A.C.

¹⁶ Section 947.06, F.S.

¹⁷ *Id.*

¹⁸ Section 947.1745(1), F.S.

¹⁹ Section 947.1745(6), F.S.

²⁰ *Id.*

²¹ Rule 23-21.015, F.A.C.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill does not appear to have any impact on state revenues.

2. Expenditures:

This bill will not have a fiscal impact on the Commission in Fiscal Year 2012-2013; however the bill will have a minimal positive fiscal impact in subsequent years. According to the Commission, inmates would be informed of any changes to the law regarding subsequent interview dates at their next scheduled interview. They would be informed that, upon passage of this bill, the Commission may set a subsequent interview within seven years rather than within two. The bill does not remove the inmate's limited due process rights or the mechanism for the inmate to request the Commission to consider setting an earlier interview date which is currently in place.

This bill will have no affect on the current review dates that are presently set for parole eligible inmates. This bill would only affect those inmates whose review dates occur after the effective date of the bill. Therefore, the inmates' interview dates that fall between July 1, 2012 and June 30, 2014, would not be affected by the bill until after that interview when they are informed their next interview would be in seven years instead of two.

The Commission staff reviewed the 842 initial, extraordinary, and subsequent interviews from Commission dockets from July 1, 2010 through June 30, 2011. Of the total cases docketed, 534 cases have already been given a seven year subsequent interview date; 264 cases would not be affected because their review date is not addressed by the bill and will remain within two years; and 44 cases could be affected by CS/HB 329 and could have their next interview date set for seven years after they are informed of the law change at their next two year review.

Therefore 44 cases may be affected by the bill in Fiscal Year 2014-2015 and could have their next interview date set within seven years instead of within two years. This would equate a total savings to the Commission of 166 hours annually (44 x 3.78 hours per case) or approximately 1/12 of an FTE for the FY 2010-2011 eligible pool of inmates. It is reasonable to assume that in the subsequent years, the savings should compound as other eligible inmates review dates are changed from two to seven years, but the savings associated with the remaining eligible pool is also expected to be minimal.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not appear to have any impact on local government revenues.

2. Expenditures:

The bill does not appear to have any impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill appears to be exempt from the requirements of Article VII, Section 18 of the Florida Constitution because it is a criminal law.

2. Other:

On June 1, 1997, the Legislature changed the frequency of subsequent parole interviews for certain prisoners from every two years to every five years.²² According to the Third District Court of Appeal, the ex post facto clause was not violated by the retroactive application of this law as it applied to a limited number of inmates and was narrowly constructed.²³

B. RULE-MAKING AUTHORITY:

The bill does not appear to create a need for rulemaking or rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On November 15, 2011, the Criminal Justice Subcommittee approved one amendment and reported the bill favorably as a committee substitute. The amendment clarifies which crimes the phrase "in which a human being is present and a sexual act is completed or attempted" applies to.

The analysis is drafted to the committee substitute as passed by the Criminal Justice Subcommittee.

²² Chapter 97-289, L.O.F.

²³ *Tuff v. State*, 732 So.2d 461 (3rd DCA 1999).

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

46 (g) The decision of the original sentencing judge or, in
 47 her or his absence, the chief judge of the circuit to vacate any
 48 parole release order as provided in this section is not
 49 appealable. Each inmate whose parole release order has been
 50 vacated by the court shall be reinterviewed within 2 years after
 51 the date of receipt of the vacated release order and every 2
 52 years thereafter, or earlier by order of the court retaining
 53 jurisdiction. However, each inmate whose parole release order
 54 has been vacated by the court and who has been:

- 55 1. Convicted of murder or attempted murder;
- 56 2. Convicted of sexual battery or attempted sexual

57 battery; ~~or~~
 58 3. Convicted of kidnapping;
 59 4. Convicted of robbery, burglary of a dwelling, or
 60 burglary of a structure or conveyance in which a human being is
 61 present and a sexual act is completed or attempted; or
 62 5.3- Sentenced to a 25-year minimum mandatory sentence
 63 previously provided in s. 775.082,

64
 65 shall be reinterviewed once within 7 years after the date of
 66 receipt of the vacated release order and once every 7 years
 67 thereafter, if the commission finds that it is not reasonable to
 68 expect that parole would be granted during the following years
 69 and states the bases for the finding in writing. For any inmate
 70 who is within 7 years of his or her tentative release date, the
 71 commission may establish a reinterview date prior to the 7-year
 72 schedule.

73 Section 2. Paragraph (b) of subsection (1) of section
 74 947.174, Florida Statutes, is amended to read:

75 947.174 Subsequent interviews.—

76 (1)

77 (b) For any inmate convicted of murder; attempted
 78 murder; sexual battery; attempted sexual battery;
 79 kidnapping; or robbery, burglary of a dwelling, or burglary of a
 80 structure or conveyance in which a human being is present and a
 81 sexual act is completed or attempted; or any inmate who has
 82 been sentenced to a 25-year minimum mandatory sentence
 83 previously provided in s. 775.082, and whose presumptive parole
 84 release date is more than 7 years after the date of the initial

85 | interview, a hearing examiner shall schedule an interview for
 86 | review of the presumptive parole release date. The interview
 87 | shall take place once within 7 years after the initial interview
 88 | and once every 7 years thereafter if the commission finds that
 89 | it is not reasonable to expect that parole will be granted at a
 90 | hearing during the following years and states the bases for the
 91 | finding in writing. For any inmate who is within 7 years of his
 92 | or her tentative release date, the commission may establish an
 93 | interview date before the 7-year schedule.

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

96 | 947.1745 Establishment of effective parole release date.—
 97 | If the inmate's institutional conduct has been satisfactory, the
 98 | presumptive parole release date shall become the effective
 99 | parole release date as follows:

100 | (6) Within 90 days before the effective parole release
 101 | date interview, the commission shall send written notice to the
 102 | sentencing judge of any inmate who has been scheduled for an
 103 | effective parole release date interview. If the sentencing judge
 104 | is no longer serving, the notice must be sent to the chief judge
 105 | of the circuit in which the offender was sentenced. The chief
 106 | judge may designate any circuit judge within the circuit to act
 107 | in the place of the sentencing judge. Within 30 days after
 108 | receipt of the commission's notice, the sentencing judge, or the
 109 | designee, shall send to the commission notice of objection to
 110 | parole release, if the judge objects to such release. If there
 111 | is objection by the judge, such objection may constitute good
 112 | cause in exceptional circumstances as described in s. 947.173,

CS/HB 329

2012

113 and the commission may schedule a subsequent review within 2
 114 years, extending the presumptive parole release date beyond that
 115 time. However, for an inmate who has been:

- 116 (a) Convicted of murder or attempted murder;
- 117 (b) Convicted of sexual battery or attempted sexual
 118 battery; ~~or~~
- 119 (c) Convicted of kidnapping;
- 120 (d) Convicted of robbery, burglary of a dwelling, or
 121 burglary of a structure or conveyance in which a human being is
 122 present and a sexual act is completed or attempted; or
- 123 ~~(e)-(e)~~ Sentenced to a 25-year minimum mandatory sentence
 124 previously provided in s. 775.082,

125

126 the commission may schedule a subsequent review under this
 127 subsection once every 7 years, extending the presumptive parole
 128 release date beyond that time if the commission finds that it is
 129 not reasonable to expect that parole would be granted at a
 130 review during the following years and states the bases for the
 131 finding in writing. For any inmate who is within 7 years of his
 132 or her release date, the commission may schedule a subsequent
 133 review prior to the 7-year schedule. With any subsequent review
 134 the same procedure outlined above will be followed. If the judge
 135 remains silent with respect to parole release, the commission
 136 may authorize an effective parole release date. This subsection
 137 applies if the commission desires to consider the establishment
 138 of an effective release date without delivery of the effective
 139 parole release date interview. Notice of the effective release
 140 date must be sent to the sentencing judge, and either the

CS/HB 329

2012

141 | judge's response to the notice must be received or the time
142 | period allowed for such response must elapse before the
143 | commission may authorize an effective release date.

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

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(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:
 4

5 **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

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;

Amendment No.

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)

Amendment No.

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

Amendment No.

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

Amendment No.

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.

Amendment No.

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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;