

Committee Substitute for
Committee Substitute for Senate Bill No. 428

An act relating to community control; providing a short title; amending s. 921.187, F.S.; incorporating the restrictions provided in s. 948.01(10), F.S., regarding placement of certain offenders on community control; amending s. 948.10, F.S.; requiring that the Department of Corrections review and verify whether an ineligible offender is placed on community control and notify the sentencing judge, the state attorney, and the Attorney General; requiring that the department report on ineligible placements to the chief judge and the state attorney; requiring the department provide a annual report to the Governor, the Legislature, and the Supreme Court on the placement of ineligible offenders on community control; requiring the department to develop and implement a supervision risk assessment instrument; providing requirements for department's annual report; requiring that the department study the use of electronic monitoring of offenders placed on community control; requiring a report to the Governor and the Legislature; providing an effective date.

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

Section 1. This act may be cited as the "Howard E. Futch Community Safety Act."

Section 2. Present subsections (2) and (3) of section 921.187, Florida Statutes, are redesignated as subsections (3) and (4), respectively, and a new subsection (2) is added to that section to read:

921.187 Disposition and sentencing; alternatives; restitution.—

(2) An offender may not be placed in community control if:

(a) Convicted of or adjudication is withheld for a forcible felony as defined in s. 776.08; and

(b) Previously convicted of or adjudication was withheld for a forcible felony as defined in s. 776.08.

Nothing in this subsection prohibits placement of certain inmates on community control pursuant to s. 947.1747. For purposes of this subsection, a forcible felony does not include manslaughter or burglary.

Section 3. Subsections (7), (8), and (9) are added to section 948.10, Florida Statutes, to read:

948.10 Community control programs.—

(7) If an offender is sentenced to community control by the court and the offender is ineligible to be placed on community control as provided in s. 948.01(10), the department shall:

(a) Review and verify whether an ineligible offender was placed on community control.

(b) Within 30 days after receipt of the order, notify the sentencing judge, the state attorney, and the Attorney General that the offender was ineligible for placement on community control.

(c) Provide a quarterly report to the chief judge and the state attorney of each circuit citing the number of ineligible offenders placed on community control within that circuit.

(d) Provide an annual report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court on the placement of ineligible offenders on community control in order to assist in preparing judicial education programs or for any other purpose.

(8) The Department of Corrections shall:

(a) Develop and maintain a weighted statewide caseload equalization strategy designed to ensure that high-risk offenders receive the highest level of supervision; and

(b) Develop and implement a supervision risk assessment instrument for the community control population which is similar to the probation risk assessment instrument established by the National Institute of Justice.

(9) In its annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives under s. 20.315(5), the department shall include a detailed analysis of the community control program and the department's specific efforts to protect the public from offenders placed on community control. The analysis must include, but need not be limited to, specific information on the department's ability to meet minimum officer-to-offender contact standards, the number of crimes committed by offenders on community control, and the level of community supervision provided.

Section 4. The Department of Corrections shall:

(1) Study the use of electronic monitoring and its effectiveness on the community control population. For purposes of the study, and notwithstanding section 948.10(2), Florida Statutes, from July 1, 2003, until February 1, 2004, the department may adjust the maximum community control caseloads when electronic monitoring is used.

(2) Report its findings to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 1, 2004.

Section 5. This act shall take effect July 1, 2003.

Approved by the Governor June 12, 2003.

Filed in Office Secretary of State June 12, 2003.