
SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

Date: March 20, 1998 Revised: _____

Subject: Crime Victims/Toll-free Phone Number

	<u>Analyst</u>	<u>Staff Director</u>	<u>Reference</u>	<u>Action</u>
1.	<u>Dugger</u>	<u>Miller</u>	<u>CJ</u>	<u>Favorable</u>
2.	<u>Geraci</u>	<u>Moody</u>	<u>JU</u>	<u>Favorable/CS</u>
3.	<u> </u>	<u> </u>	<u>WM</u>	<u>Withdrawn</u>
4.	<u> </u>	<u> </u>	<u> </u>	<u> </u>
5.	<u> </u>	<u> </u>	<u> </u>	<u> </u>

I. Summary:

Senate Bill 460 would require the Crime Victims' Services Office of the Department of Legal Affairs to establish a statewide toll-free telephone number for crime victims, relatives of homicide victims, and crime witnesses to use to obtain information about the status of the person convicted of the crime involving the victim or witness. Victims and witnesses could also use the telephone number to update their address information. The Crime Victims' Services Office would also be required to give any updated victim address information to the Department of Corrections, the Parole Commission, the Florida Department of Law Enforcement, the appropriate state attorney, and the appropriate local law enforcement agencies.

This bill has an effective date of July 1, 1998.

This bill creates a yet unnumbered section of the Florida Statutes.

II. Present Situation:

Victims of crime in Florida have the right "to be informed, to be present, and to be heard, when relevant, at all crucial stages of a criminal proceeding, to the extent that this right does not interfere with the constitutional rights of the accused." s. 16(b), Art. I, Fla. Const. These rights are implemented statutorily by the requirement that certain specified agencies involved in the criminal justice system develop and implement guidelines for the use of their respective agencies to achieve the following objectives:

- Informing victims of pertinent information about available services, such as victim compensation and crisis intervention services;
- Notifying victims of certain enumerated violent crimes about the release of an offender from a jail, a juvenile detention facility, or an involuntary commitment facility;

- Providing advance notification to victims of judicial and post-judicial proceedings related to their cases, unless the agency does not have such notification;
 - Informing victims about protective measures available to fight victim intimidation;
 - Providing information to victims when an offender escapes from a prison, a jail, a juvenile detention facility, or an involuntary commitment facility; and
 - Providing other general victim assistance under s. 960.001, F.S.
- s. 960.001, F. S.

Under current law, the specified agencies are required to notify crime victims or the victim's appropriate next of kin of the following information regarding persons accused of or convicted of the crime:

- Law enforcement agencies must notify victims concerning the accused's arrest;
- The state attorney or Attorney General must notify victims concerning the release of the accused pending judicial proceedings and proceedings in the prosecution, including arraignment, trial, sentencing, appellate review, subsequent modification of sentence, and collateral attack of a judgment;
- The Parole Commission must notify victims about parole hearings; and
- The Department of Corrections (DOC), the Department of Juvenile Justice, or the sheriff must notify victims concerning the defendant's or juvenile offender's release from imprisonment upon expiration of sentence or any other release program.

s. 960.001(1)(e), F.S.

In addition, within 6 months prior to the release of an inmate from the custody of the DOC or a private correctional facility, notification of the anticipated release date of the inmate must be made known by the appropriate agency to the chief judge of the circuit in which the offender was sentenced, the appropriate state attorney, the original arresting law enforcement agency, the Florida Department of Law Enforcement (FDLE), and the sheriff of the county in which the inmate plans to reside. ss. 944.605 and 947.177, F.S. Similarly, unless otherwise requested by the victim or the personal representative of the victim, the state attorney, the DOC, the Control Release Authority, or the Parole Commission, whichever is appropriate, must notify the victim or the personal representative of the victim of the anticipated release date within 6 months prior to the inmate's release, if the name and address of the victim has been furnished to the agency. However, if the inmate is released earlier than anticipated, notification must occur "as soon as possible." ss. 944.605 and 947.177, F.S.

Victims can currently call the DOC between 8 a.m. and 5 p.m., five days a week, to obtain inmate/offender information. However, unlike the proposal under the bill, the information is not accessible by a *toll-free* call. In addition, the DOC has a web site on the Internet that anyone can access to find out physical characteristics of prisoners, when they began their sentence, where they are serving that sentence, what they were convicted of, and when they will be released. The Internet site also offers photos of each prisoner, the addresses of freed prisoners, and information on escaped prisoners. Certain information regarding criminals designated as sexual predators and sexual offenders is available from FDLE through a toll-free number accessible by the public 24 hours a day, 7 days a week, and an Internet web site. ss. 943.043 and 775.2, F.S.

The existing statutory notification requirements are currently the responsibility of various specified state agencies, local law enforcement agencies, and state attorneys. None of these agencies is singularly responsible for providing information to a victim concerning the status of a person convicted of a crime. In addition, it is currently the designated governmental authority that contacts the victim, rather than the victim or other affected person having ready access to the information.

The Florida Crimes Compensation Act provides that certain victims of crime, surviving family members of deceased victims, and persons who intervene on behalf of victims of crime are eligible for awards up to \$15,000 from the Crime Compensation Trust Fund. ch. 960, F.S. This program is administered by the Crime Victims' Services Office of the Department of Legal Affairs (the department). *Id.* According to the department, the Crime Victims' Services Office provides a toll-free telephone number for victims to call to receive information concerning the crimes compensation program. However, the department is not presently equipped technologically for victims to be able to receive information concerning the status of criminal offenders in the system.

The Crime Victims' Services Office is also responsible for providing the following services to victims:

- Ensuring that the rights of victims are properly publicized;
- Administering federally funded victim assistance services programs;
- Coordinating the flow of information among agencies providing victim services;
- Investigating crimes compensation claims;
- Assisting public agencies and local governments to provide assistance for crime victims;
- Enlisting the assistance of public and voluntary health, education, welfare, and rehabilitation agencies to help crime victims; and
- Serving as a clearinghouse for information relating to problems encountered by crime victims.

s. 960.05, F.S.

III. Effect of Proposed Changes:

The bill would require the Crime Victims' Services Office of the Department of Legal Affairs to establish a statewide toll-free telephone number for crime victims, relatives of homicide victims, and crime witnesses to obtain information about the status of the person convicted of the crime involving the victim or witness. The bill does not address how the Crime Victim's Services Office may obtain the information that is to be provided, nor does it specify what information may be given through this service. Also, there may be a public records concern, depending on the type of information to be given by this service. Under s. 119.07, F.S., information about the victim of a crime is exempted from disclosure. This may be pertinent when a witness to a crime is accessing this service.

It appears that the intent of the bill is to provide a clearinghouse for information on the status of a convicted criminal, making such information easily accessible to victims and witnesses. These services are provided at this time at the local level and through Internet services. In order to

provide such a service, a system would need to be installed that provided the information contained in the DOC database to the Crime Victims' Services Office. At present, there is no such system. The bill does not provide how this is to be accomplished.

The bill provides that victims and witnesses could also use the telephone number to update their address information, providing a valuable resource for state and local agencies that are required to provide statutory notifications to such persons. In addition, this portion of the proposal may create a valuable resource for law enforcement, state attorneys, public defenders, and others for locating necessary witnesses. The toll-free number would be available 24 hours a day, 7 days a week, 365 days a year.

In addition, the bill states that the Crime Victims' Services Office would be responsible for providing information about the toll-free telephone number to the DOC, the Parole Commission, the FDLE, the state attorneys, and local law enforcement agencies. The Crime Victims' Services Office would also be required to give any updated victim address information to these same agencies. The bill requires that the Crime Victims' Services Office, at least once every 6 months, verify the address and telephone number of each victim, relative, or witness who wanted to be kept informed.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

According to the Department of Legal Affairs, the implementation of this bill will require computer technology that the department does not currently have. The department is, therefore, unable to estimate the cost.

Currently, the DOC has a phone number that victims can call and an Internet web site that can be accessed by the public to obtain inmate/offender information and the FDLE has a toll-free phone number available to the public for information about sexual predators and sexual offenders in the state, but the Crime Victims' Services Office does not have a system or database to provide the information that would be needed for this bill. In order to accomplish the requirements set forth by this bill, a system would need to be installed to provide a database link between the Crime Victims' Services Office and the DOC. Otherwise, some system of information transfer between the two offices would need to be implemented. Due to the complexity of such an endeavor, it is impossible to estimate the fiscal impact.

VI. Technical Deficiencies:

The bill does not define the word "status." Unless defined, there is no way to know what type of information the Crime Victims' Services Office may give to victims, relatives of victims, or witnesses of the crime.

VII. Related Issues:

It is noteworthy that the DOC, along with the Governor's Office, the Department of Juvenile Justice, and the Sheriffs Association, is presently looking into the possibility of implementing a victim information and notification system. Two systems are currently being considered. One is commonly referred to as VINE (Victim Information and Notification Everyday); the other system is known as VOICE (Victim Offender Information Caller Emissary). Either of these systems could link the data systems of the jails, the Department of Juvenile Justice, the DOC, the courts, and state attorneys to provide information to victims. These systems could be accessed by victims through a statewide toll-free telephone number available 24 hours a day, 365 days a year. According to the DOC, these systems are currently being used in several states and in several counties in Florida. However, a funding source has not yet been identified, and estimated costs for these systems are not available at this time.

VIII. Amendments:

None.