

Bill No. SB 2424

Amendment No. 3 Barcode 641644

CHAMBER ACTION

Senate

House

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The Committee on Criminal Justice recommended the following amendment:

Senate Amendment (with title amendment)

On page 4, between lines 17 and 18,

insert:

Section 2. Section 827.031, Florida Statutes, is created to read:

827.031 Failure by an adult to supervise sex offense probationer or community controllee and minor.--Any person designated as an "adult responsible for a child's welfare" by the Parole Commission under s. 947.1405(7)(a)5. or by a court under s. 948.03(5)(a)5. for the purpose of supervising a probationer's or community controllee's contact with a child under the age of 18 who fails to be physically present at all times when the community controllee or probationer is having supervised contact with the child under the age of 18, or who otherwise fails to abide by a safety plan, commits a first-degree misdemeanor, punishable as provided in s. 775.082 and s. 775.083.

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1 Section 3. Paragraph (a) of subsection (7) of section
2 947.1405, Florida Statutes, is amended to read:

3 947.1405 Conditional release program.--

4 (7)(a) Any inmate who is convicted of a crime
5 committed on or after October 1, 1995, or who has been
6 previously convicted of a crime committed on or after October
7 1, 1995, in violation of chapter 794, s. 800.04, s. 827.071,
8 or s. 847.0145, and is subject to conditional release
9 supervision, shall have, in addition to any other conditions
10 imposed, the following special conditions imposed by the
11 commission:

12 1. A mandatory curfew from 10 p.m. to 6 a.m. The
13 commission may designate another 8-hour period if the
14 offender's employment precludes the above specified time, and
15 such alternative is recommended by the Department of
16 Corrections. If the commission determines that imposing a
17 curfew would endanger the victim, the commission may consider
18 alternative sanctions.

19 2. If the victim was under the age of 18, a
20 prohibition on living within 1,000 feet of a school, day care
21 center, park, playground, or other place where children
22 regularly congregate.

23 3. Active participation in and successful completion
24 of a sex offender treatment program with therapists
25 specifically trained to treat sex offenders, at the releasee's
26 own expense. If a specially trained therapist is not available
27 within a 50-mile radius of the releasee's residence, the
28 offender shall participate in other appropriate therapy.

29 4. A prohibition on any contact with the victim,
30 directly or indirectly, including through a third person,
31 unless approved by the victim, the offender's therapist, and

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1 the sentencing court.

2 5. If the victim was under the age of 18, a
3 prohibition on starting or continuing unsupervised contact
4 with a child under the age of 18 or living with a child under
5 the age of 18. The commission may approve supervised contact
6 with a child under the age of 18 if ~~against direct contact or~~
7 ~~association with children under the age of 18 until all of the~~
8 ~~following conditions are met:~~

9 a. The offender has successfully completed a sex
10 offender treatment program; ~~Successful completion of a sex~~
11 ~~offender treatment program.~~

12 b. The offender has completed an assessment of the
13 contact risk by a qualified practitioner; ~~The adult person who~~
14 ~~is legally responsible for the welfare of the child has been~~
15 ~~advised of the nature of the crime.~~

16 c. An adult who is responsible for the child's welfare
17 and who has been advised of the crime and approved by the
18 commission is present at all times when the offender is with
19 the child; and ~~Such adult person is present during all contact~~
20 ~~or association with the child.~~

21 d. Before supervised contact begins, the responsible
22 adult has been provided with a safety plan that details the
23 conditions of the contact and was prepared by a qualified
24 practitioner who is treating or has treated the offender. ~~Such~~
25 ~~adult person has been approved by the commission.~~

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27 As used in this subparagraph, the term "qualified
28 practitioner" means a therapist licensed under s. 490.0143 or
29 s. 491.0143 or equivalent licensure in another state and who
30 is a clinical member of the Association for the Treatment of
31 Sexual Abusers.

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1 6. If the victim was under age 18, a prohibition on
2 working for pay or as a volunteer at any school, day care
3 center, park, playground, or other place where children
4 regularly congregate, as prescribed by the commission.

5 7. Unless otherwise indicated in the treatment plan
6 provided by the sexual offender treatment program, a
7 prohibition on viewing, owning, or possessing any obscene,
8 pornographic, or sexually stimulating visual or auditory
9 material, including telephone, electronic media, computer
10 programs, or computer services that are relevant to the
11 offender's deviant behavior pattern.

12 8. A requirement that the releasee must submit two
13 specimens of blood to the Florida Department of Law
14 Enforcement to be registered with the DNA database.

15 9. A requirement that the releasee make restitution to
16 the victim, as determined by the sentencing court or the
17 commission, for all necessary medical and related professional
18 services relating to physical, psychiatric, and psychological
19 care.

20 10. Submission to a warrantless search by the
21 community control or probation officer of the probationer's or
22 community controllee's person, residence, or vehicle.

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24 (Redesignate subsequent sections.)

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

28 And the title is amended as follows:

29 On page 1, line 13, after the semicolon,

30

31 insert:

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1 creating s. 827.031, F.S.; providing a criminal
2 penalty for failure by a responsible adult to
3 supervise sex offense probationer or community
4 controllee and a minor; amending s. 947.1405,
5 F.S.; prohibiting a community controllee from
6 having unsupervised contact with a child under
7 the age of 18; authorizing the Parole
8 Commission to approve supervised contact if the
9 offender successfully completes a treatment
10 program, a risk assessment is prepared, and an
11 adult responsible for the child's welfare
12 supervises the contact; requiring that the
13 supervising adult be provided with a safety
14 plan prepared by a qualified practitioner;
15 defining the term "qualified practitioner";

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