

CS/HB 537 – Custody and Supervision of Specified Offenders

This bill amends multiple statutes. First, it amends s. 794.011, F.S., adding that “for sentences imposed for offenses committed on or after July 1, 2023, a person who is convicted of committing or attempting, soliciting, or conspiring to commit a sexual battery in violation of this section is not eligible for basic gain-time under s. 944.275, F.S.” Currently, someone “who is convicted of committing a sexual battery on or after October 1, 1992, is not eligible for basic gain-time under s. 944.275, F.S.”

This bill also amends s. 944.275, F.S., adding that “for sentences imposed for offenses committed on or after July 1, 2023, the department may not grant incentive gain-time if the offense is for committing or attempting, soliciting, or conspiring to commit a violation of s. 782.04(1)(a)2.c., F.S.; s. 787.01(3)(a)2. or 3., F.S.; s. 787.02(3)(a)2. or 3., F.S.; s. 794.011, F.S., excluding s. 794.011(10), F.S.; s. 800.04, F.S.; s. 825.1025, F.S.; or s. 847.0135(5), F.S.” These offenses are already ineligible for incentive gain-time when committed, so this bill adds the same conditions for those offenders who attempt, solicit, or conspire to commit these offenses.

This bill also amends s. 948.05, F.S., stating that “a probationer or offender in community control who is placed under supervision for committing or attempting, soliciting, or conspiring to commit a violation of any felony offense described in s. 775.21(4)(a)1.a. or b., F.S. or s. 943.0435(1)(h)1.a., F.S., or who qualifies as a violent felony offender of special concern under s. 948.06(8)(b), F.S. is not eligible for any reduction of his or her term of supervision.”

This bill also amends s. 948.30, F.S., stating that for a probationer or community controllee “whose crime was committed on or after July 1, 2023, and who are placed under supervision for attempting, soliciting, or conspiring to commit a violation of s. 787.06(3)(b), (d), (f), or (g), F.S.; chapter 794; s. 800.04, F.S.; s. 827.071, F.S.; s. 847.0135(5), F.S.; or s. 847.0145, F.S., the court must impose” a list of additional conditions of supervision. These offenses are already receiving these additional conditions when committed, so this bill adds the same conditions for those offenders who attempt, solicit, or conspire to commit these offenses. The same offenses are added again for a probationer or community controllee “whose crime was committed on or after July 1, 2023, and who is placed on community control or sex offender probation for attempting, soliciting, or conspiring” to commit these offenses, with another list of conditions. As with the prior list of conditions, these already exist for those who have committed these offenses. Additionally, it is added that the court must order mandatory electronic monitoring for a probationer or community controllee who “is placed on probation or community control on or after July 1, 2023, for attempting, soliciting, or conspiring to commit a violation of chapter 794; s. 800.04(4), (5), or (6), F.S.; s. 827.071, F.S.; or s. 847.0145, F.S, and the unlawful sexual activity involved a victim 15 years of age or younger and the offender is 18 years of age or older.” As with prior language, this court mandate currently exists for those who have committed these crimes. Finally, it adds that a probationer or community controllee “whose crime was committed on or after July 1, 2023, and who is placed on probation or community

control for attempting, soliciting, or conspiring to commit a violation of chapter 794, s. 800.04, F.S., s. 827.071, F.S., s. 847.0135(5), F.S., or s. 847.0145, F.S., in addition to all other conditions imposed, the court must impose a condition prohibiting the probationer or community controllee from viewing, accessing, owning, or possessing any obscene, pornographic, or sexually stimulating visual or auditory material unless otherwise indicated in the treatment plan provided by a qualified practitioner in the sexual offender treatment program.” As with the prior language in s. 948.30, F.S., this court mandate already exists for those who have committed these offenses.

Per DOC, the majority of the new language is already being implemented for current inmates and probationers/community controllees. Additionally, s. 948.05, F.S. only began providing a reduction of required community service hours on July 1, 2022. Therefore, there is not expected to be an impact of this new language on the prison population.

CONFERENCE ADOPTED ESTIMATE: No Impact

Requested by: House